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1919

GENERAL SCHOOL LAW

OF

SOUTH CAROLINA

1919

Published by

J. E. SWEARINGEN

State Superintendent of Education

in accordance with

Section 1699 of the Code

Compiled and Edited upon the request of the
State Superintendent of Education by

S. M. WOLFE

Attorney General

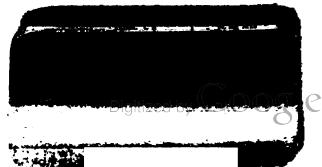
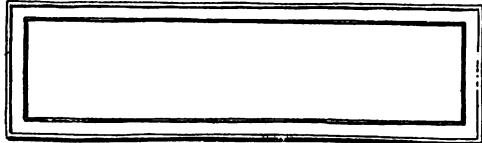
Rules and Regulations of the State Board
of Education also included

1919

THE R. L. BRYAN COMPANY
COLUMBIA, S. C.
1919

GIFT OF

South Carolina Dept. of Education



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TO THE
AMERICAN

FOREWORD

This edition of the school law includes the general school code of the State. It does not contain the numerous special Acts affecting local communities in the various school districts. These Acts are scattered through the statutes from 1868 to 1919.

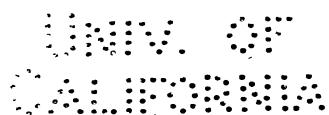
Many districts, organized and operated under special local laws, exercise properly various and varying privileges. Trustees, teachers, patrons, and citizens of such special legislative districts should consult the separate, independent Acts governing their territory and would usually find it helpful to consult a lawyer before changing in any way the procedure required by the general school law.

This mass of local school legislation is too voluminous to be printed in pamphlet form. A simplification and codification of the school law, both general and local, into one comprehensive, progressive, forward-looking code would strengthen our educational system.

The assistance of the Attorney General in compiling and preparing this pamphlet is gratefully acknowledged. The rulings of the Attorney General's office guide and govern the State Superintendent in the performance of his duties, and this co-operation is invaluable in the work of the State Superintendent's office. It is a pleasure to record here my obligation to Hon. S. M. Wolfe and his assistants.

J. E. SWEARINGEN,
State Superintendent of Education.

Columbia, S. C., May 22, 1919.



GENERAL SCHOOL LAW OF SOUTH CAROLINA 1919

Compiled by the office of the Attorney General

Constitutional Provisions

ARTICLE XI.

EDUCATION.

Section 1. The supervision of public instruction shall be vested in a State Superintendent of Education, who shall be elected for the term of two years by the qualified electors of the State, in such manner and at such time as the other State officers are elected; his powers, duties and compensation shall be defined by the General Assembly.

§ 2. There shall be a State Board of Education, composed of the Governor, the State Superintendent of Education, and not exceeding seven persons to be appointed by the Governor every four years, of which board the Governor shall be Chairman, and the State Superintendent of Education, Secretary. This board shall have the regulation of examination of teachers applying for certificates of qualification, and shall award all scholarships, and have such other powers and duties as may be determined by law. The traveling expenses of the persons to be appointed shall be provided for by the General Assembly.

§ 3. The General Assembly shall make provision for the election or appointment of all other necessary school officers, and shall define their qualifications, powers, duties, compensation and terms of office.

§ 4. The salaries of the State and county school officers and compensation of County Treasurers for collecting and disbursing school

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moneys shall not be paid out of the school funds, but shall be otherwise provided for by the General Assembly.

§ 5. The General Assembly shall provide for a liberal system of free public schools for all children between the ages of six and twenty-one years, and for the division of the counties into suitable school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area: *Provided*, That in cities of ten thousand inhabitants and over this limitation of area shall not apply: *Provided, further*, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion of any tax that may be levied to liquidate such bonds or support the public schools therein: *Provided, further*, That nothing in this article contained shall be construed as a repeal of the laws under which the several graded school districts of this State are organized. The present division of the counties into school districts and the provisions of law now governing the same shall remain until changed by the General Assembly.¹

§ 6. The existing County Boards of Commissioners of the several counties, or such officer or officers as may hereafter be vested with the same or similar powers and duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasury of the respective counties; and the said fund shall be apportioned among the school districts of the county in proportion to the number of pupils enrolled in the public schools of the respective districts, and the officer or officers charged by law with making said apportionment shall notify the trustees of the respective school districts thereof, who shall expend and disburse the same as the General Assembly may prescribe. The Gen-

1. The laws applying to school districts and the graded schools held not repealed by this constitutional provision. *Martin v. School District of Laurens*, 57 S. C. 125.

Liberal provision for support of schools required. *Murph v. Landrum*, 76 S. C. 82. And Acts in the interest of the schools will be so construed. *State, Spencer v. McCaw*, 67 S. C. 851.

Subdivision XI of Sec. 84, of Art. III of Const. of 1895, must be construed in connection with Sec. 5 of Art. XI, and so construed a separate Act extending the boundaries of a school district already created may be regarded a special provision in a general law. *State v. McCaw*, 77 S. C. 851, 58 S. E. 145.

eral Assembly shall define "enrollment." Not less than three trustees for each school district shall be selected from the qualified voters and taxpayers therein, in such manner and for such terms as the General Assembly may determine, except in cases of special school districts now existing, where the provisions of law now governing the same shall remain until changed by the General Assembly:² *Provided*, The manner of the selection of said trustees need not be uniform throughout the State. There shall be assessed on all taxable polls in the State between the ages of twenty-one and sixty years (excepting Confederate soldiers above the ages of fifty) an annual tax of one dollar on each poll, the proceeds of which tax shall be expended for school purposes in the several school districts in which it is collected. Whenever during the three next ensuing fiscal years the tax levied by the said County Boards of Commissioners or similar officers and the poll tax shall not yield an amount equal to three dollars per capita of the number of children enrolled in the public schools of each county for the scholastic year ending the thirty-first of October, in the year eighteen hundred and ninety-five, as it appears in the report of the State Superintendent of Education for said scholastic year, the Comptroller General shall, for the aforesaid three next ensuing fiscal years, on the first day of each of said years, levy such an annual tax on the taxable property of the State as he may determine to be necessary to make up such deficiency, to be collected as other State taxes, and apportion the same among the counties of the State in proportion to the respective deficiencies therein. The sum so apportioned shall be paid by the State Treasurer to the County Treasurers of the respective counties, in the proportion to the deficiencies therein, on the warrant of the Comptroller General, and shall be apportioned among the school districts of the counties, and disbursed as other school funds; and from and after the thirty-first day of December in the year eighteen hundred and ninety-eight the General Assembly shall cause to be levied annually on all the taxable property of the State such a tax, in addition to the said tax levied by the said County Boards of Commissioners or similar officers, and poll tax above provided, as may be necessary to keep the schools open throughout the State for such length of time in each scholastic year as the General Assembly may prescribe; and said tax shall be apportioned among the counties in

2. The General Assembly has no power to disburse public school funds by Joint Resolution, except through the trustees

of the district. *Asbill v. Martin*, 84 S. C. 271, 66 S. E. 297, distinguishing *Dickson v. Burckmeyer*, 67 S. C. 584.

proportion to the deficiencies therein and disbursed as other school funds. Any school district may by authority of the General Assembly levy an additional tax for the support of its schools.³

§ 7. Separate schools shall be provided for children of the white and colored races, and no child of either race shall ever be permitted to attend a school provided for children of the other race.⁴

§ 8. The General Assembly may provide for the maintenance of Clemson Agricultural College, the University of South Carolina, and the Winthrop Normal and Industrial College, a branch thereof, as now established by law, and may create scholarships therein; the proceeds realized from the land script given by the Act of Congress passed the second day of July, in the year eighteen hundred and sixty-two, for the support of an agricultural college, and any lands or funds which have heretofore been or may hereafter be given or appropriated for educational purposes by the Congress of the United States, shall be applied as directed in the Acts appropriating the same: *Provided*, That the General Assembly shall, as soon as practicable, wholly separate Claflin College from Claflin University and provide for a separate corps of professors and instructors therein, representation to be given to men and women of the negro race; and it shall be the Colored Normal, Industrial, Agricultural and Mechanical College of this State.

§ 9. The property or credit of the State of South Carolina, or of any county, city, town, township, school district or other subdivision of the said State, or any public money, from whatever source derived, shall not, by gift, donation, loan, contract, appropriation, or otherwise, be used, directly or indirectly, in aid or maintenance of any college, school, hospital, orphan house, or other institution, society or organization, of whatever kind, which is wholly or in part under the direction or control of any church or of any religious or sectarian denomination, society or organization.⁵

§ 10. All gifts of every kind for educational purposes, if accepted by the General Assembly, shall be applied and used for the purpose

3. The term "levy" as the three mill tax imposes purely ministerial duties on the board, and requires that it shall take such action as will place the tax on the Auditor's books. *Dickson v. Burckmeyer*, 67 S. C. 584.

As to the apportionment of the tax, see *Capers v. Derham*, 54 S. C. 849; *Murph v. Landrum*, 76 S. C. 82.

4. See *Floyd v. News and Courier*, 71 S. C. 118.

5. See Attorney General's opinion as to what are not violations of this section. In the case of the *Epworth Orphanage*, September 27, 1902; and also *Reports and Resolutions*, 1905, Vol. II, p. 27.

designated by the giver, unless the same be in conflict with the provisions of this Constitution.

§ 11. All gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year of eighteen hundred and ninety-one, together with such other means as the General Assembly may provide, shall be securely invested as the State School Fund, and the annual income thereof shall be apportioned by the General Assembly for the purpose of maintaining the public schools.

§ 12. All the net income to be derived by the State from the sale or license for the sale of spirituous, malt, vinous and intoxicating liquors and beverages, not including so much thereof as is now or may hereafter be allowed by law to go to the counties and municipal corporations of the State, shall be applied annually in aid of the supplementary taxes provided for in the sixth section of this article; and if after said application there should be a surplus, it shall be devoted to public school purposes, and apportioned as the General Assembly may determine: *Provided, however,* That the said supplementary taxes shall only be levied when the net income aforesaid from the sale or license for the sale of alcoholic liquors or beverages is not sufficient to meet and equalize the deficiencies for which the said supplementary taxes are provided.⁶

^{6.} *Murray v. Wilson Distilling Co.*, 58 L. Ed. 742, 218 U. S. 151. *Murph v. Landrum*, 76 S. C. 22; *Capers v. Derham*, 54 S. C. 850. How funds must be apportioned. See

Note.—In addition to the above provisions of the Constitution, the article on Finance and Taxation provides: (1) That the property of all schools, colleges and institutions of learning, except where the profits of such are applied to private uses, shall be exempted from taxation. (2) That the bonded debt of any school district shall never exceed eight per centum of the assessed value of all the taxable property therein.

§ 1698. State Superintendent of Education—His Election, Bond, and Salary.—The State Superintendent of Education shall be elected at each general election, in the same manner as other State officers, and shall enter upon the duties of his office at the time prescribed by law. Before entering upon the duties of his office, he shall give bond, for the use of the State of South Carolina, in the penal sum of five thousand (\$5,000.00) dollars, with good and sufficient sureties, to be approved by the Governor, conditioned for the faithful and impartial performance of the duties of his office; and he shall also, at the time of giving bond, take and subscribe the oath prescribed in Section 26 of Article III of the Constitution of the State, which shall be indorsed upon the back of said bond; and the bond shall be filed with the Secretary of State, and by him recorded, and when so recorded shall be filed with the State Treasurer. The State Superintendent of Education shall receive as compensation for his services the sum of twenty-five hundred (\$2,500.00) dollars per annum, payable monthly out of the State treasury; and his traveling expenses, not exceeding six hundred (\$600.00) dollars, shall be paid out of the State treasury upon duly itemized accounts rendered by him.

Civil 1902, § 1174; 1896, XXII, 150; 1901, XXIII, 750. Amended 1919.

§ 1699. Duties.—He shall have general supervision over all the public school funds, and it shall be his duty to visit every county in the State as often as practicable for the purpose of inspecting the schools, awakening an interest favorable to the cause of education, and diffusing as widely as possible, by public addresses and personal communications with school officers, teachers and parents, a knowledge of existing defects and of desirable improvements in the government and instruction of the said schools. He shall secure, by and with the advice of the State Board of Education, uniformity in the use of textbooks throughout the free public schools of the State, and shall forbid the use of sectarian or partisan books and instruction in said schools. He shall prepare and transmit to the several County Superintendents of Education school registers, blank certificates, reports and such other suitable blanks, forms and printed instructions as may be necessary to aid school officers and teachers in making their reports and carrying into full effect the various provisions of the school laws of this State; and shall cause the law relating to the free public schools, with such rules, regulations, forms

and instructions as shall be legally prescribed, to be printed, together with a suitable index, in pamphlet form, at the expense of the State; and he shall cause copies of the same to be transmitted to the several County Superintendents of Education for distribution. He shall collect in his office such school books, apparatus, maps and charts as can be obtained. He may certify copies of all papers filed in his office, and such certified copies shall be competent evidence thereof.

Civil 1902, § 1175; 1896, XXII, 150.

Note.—The State Superintendent has general supervision over all public schools and school funds. *Duncan v. Heyward*, 74 S. C. 565; 78 S. C. 243. No fee can be charged pupils entitled to attend such schools. Attorney General's opinion, 1903, Reports and Resolutions, 1904, p. 1062. Though such fees may be charged under some special charter. Attorney General's opinion, 1901, October 15.

§ 1700. To Report to General Assembly.—He shall make a report, through the Governor, to the General Assembly at each regular session thereof showing: (1) The whole number of pupils registered in and the number enrolled as hereinafter defined in the free common schools of this State during the year ending the thirtieth day of the last preceding June, and the number in each county registered in and the number enrolled as hereinafter defined during the same period. (2) The number of whites and the number of colored, of each sex, attending the said schools. (3) The number of free schools in the State. (4) The number of pupils studying each of the branches taught. (5) The average wages paid to teachers of each sex, and to the principals of schools and departments in said schools. (6) The number of schoolhouses erected during the year, and the location, material and cost thereof. (7) The number previously erected, and the material of their construction, and their condition and value, and the number with the grounds enclosed. (8) The counties in which teachers' institutes were held, and the number attending the institutes in each county. (9) Such other statistical information as he may deem important, together with such plans as he may have matured and the State Board of Education may have recommended for the management and improvement of the school fund and for the more perfect organization and efficiency of the free public schools. All State institutions of higher learning shall make an annual report on or before the first day of September of each year to the State Superintendent of Education, embracing a detailed account of the operations of such institutions, including the

expenditure of the public moneys for the current scholastic year, which reports the State Superintendent of Education shall include in his annual report to the Legislature. All Acts or parts of Acts requiring annual reports to be made to other authorities are hereby repealed.

Civil 1902, § 1176; 1896, XXII, 150.

Note.—As to erection of schoolhouses, see Attorney General's opinion, May 12, 1916.

§ 1701. Salary of Clerk.—The sum of nine hundred dollars shall be allowed to the Superintendent of Education for the purpose of defraying the expenses of clerk hire in his office.

Civil 1902, § 1177; 1896, XXII, 150.

§ 1702. State Treasurer to Hold Devise or Bequest to State for Educational Purposes, Etc.—The State Treasurer shall take and hold in trust for the State any grant or devise of lands and any gift or bequest of money or other personal property made to him for educational purposes, all gifts to the State where the purpose is not designated, all escheated property, the net assets or funds of all estates or copartnerships in the hands of the Courts of the State where there have been no claimants for the same within the last seventy years, and other money coming into the treasury of the State by reason of the twelfth section of an Act entitled "An Act to provide a mode of distribution of the moneys as direct tax from the citizens of this State by the United States in trust to the State of South Carolina," approved the twenty-fourth day of December, in the year eighteen hundred and ninety-one, together with such other means as the General Assembly may provide. The State Treasurer shall from time to time invest in bonds of this State or of the United States, or in bonds of any county, school district or municipality within the State of South Carolina, all such money in the name of the State, as permanent State school fund, and shall pay out the income derived therefrom to the county or the counties of the State as the same may be apportioned among said counties by the State Board of Education: *Provided*, That no disposition shall be made of any property, grant, devise, gift, or bequest, inconsistent with the purpose, conditions or terms thereof. For the faithful management of all property so received by the State Treasurer, he shall be responsible upon his bond to the State as for other funds received by him in his official capacity: *Provided, however*, That the

trustees of any school district of this State may take and hold in trust for their particular school district any property granted, devised, given or bequeathed to such school district, and apply the same in interest of the schools of their district in such manner as in their judgment seems most conducive to the welfare of the schools when not otherwise directed by the terms of the grant, devise, gift or bequest: *And provided, further,* That before said trustees shall assume control of any grant, devise, gift or bequest they shall give bond, to be approved by the County Board of Education of the county in which such grant, devise, gift or bequest is made, conditioned for the faithful discharge of the trust reposed in them in respect to said property, which bond shall be deposited with the Clerk of the Court of said county. The said trustees are hereby invested with the care and custody of all schoolhouse or other school property belonging to their school districts, with full power to control the same in such manner as they may think will best subserve the interest of the free public schools and the cause of education.

Civil 1902, § 1178; 1896, XXII, 150. Amended 1917. Acts, 384.

§ 1703. Other Duties.—The State Superintendent of Education shall discharge such other duties as may be provided by law; and he shall deliver to his successor, within ten days after the expiration of his term of office, all books, papers, documents and other property belonging to his office.

Civil 1902, § 1179; 1896, XXII, 150.

§ 1704. Vacancy—How Filled.—In case a vacancy occurs in the office of State Superintendent of Education, from any cause, such vacancy shall be filled by the Governor, by and with the advice and consent of the Senate, and the person so appointed shall qualify within fifteen days from the date of such appointment, or else the office shall be deemed vacant. If the vacancy occur during the recess of the Senate, the Governor shall fill the same by appointment until the Senate can act thereon.

Civil 1902, § 1180; 1896, XXII, 150.

§ 1705. State Board of Education.—The Governor, the Superintendent of Education, and seven persons, one from each Congressional District, to be appointed by the Governor, who shall hold office for four years, and until their successors may be appointed, unless sooner removed by the Governor, shall constitute the State Board of

Education. Of this Board the Governor shall be *ex officio* Chairman, and the State Superintendent of Education shall be Secretary of the Board. The Secretary shall be custodian of the records, papers and effects, and shall keep minutes of its proceedings; and said records, papers and minutes shall be kept in the office of the State Superintendent of Education and shall be open to inspection by the public.

Civil 1902, § 1181; 1896, XXII, 150.

§ 1706. Meetings of Board — Compensation. — The said Board shall meet on the call of its Chairman, or upon the request of a majority of its members, at the office of the State Superintendent of Education, or at such other place as may be designated in the call. A majority of the Board shall constitute a quorum for transacting business. The official seal of the State Superintendent of Education shall be used for the authentication of the acts of the State Board. The members of the State Board of Education appointed by the Governor shall receive as compensation four dollars per diem and mileage as is provided for members of the General Assembly, not exceeding twenty days in any one year.

Civil 1902, § 1182; 1896, XXII, 150.

§ 1707. Advisory Board to Superintendent of Education—Powers in Cases of Appeal. — The State Board of Education shall constitute an advisory body, with whom the State Superintendent of Education shall have the right to consult when he is in doubt as to his official duty; and shall have the power to review on appeal all decisions of the County Boards of Education, as hereinafter provided for. Appeals to the State Board of Education must be made through the County Boards of Education, in writing, and must distinctly set forth the question of law, as well as the facts of the case, upon which the appeal is taken, and the decision of the State Board shall be final upon the matter at issue.

Civil 1902, § 1183; 1896, XXII, 150.

Note. — The remedy against illegal acts of County Boards of Education is by appeal to the State Board. *Greenville College for Women v. County Board of Education*, 75 S. C. 93; *State v. Daniel*, 52 S. C. 201; *Sligh v. Bowers*, 62 S. C. 409. The appeal operates as a *supersedas*. Attorney General's opinion, 1905, p. 41. As to procedure on appeal to State Board of Education, see Attorney General's opinion, June 24, 1913.

§ 1708. The State Board of Education shall have power: (1) To adopt rules and regulations not inconsistent with the laws of the

State for its own government and for the government of the free public schools. (2) To prescribe and enforce rules for the examination of teachers. (3) To prescribe a standard of proficiency before County Boards of Education, which will entitle persons examined by such Boards to certificates as teachers. (4) To prescribe and enforce the course of study in the free public schools. (5) To prescribe and enforce, as far as practicable, the use of a uniform series of textbooks in the free public schools of the State; to enter into an agreement with the publishers of the books prescribed, fixing the time of prescription and the price above which the books shall not be retailed during the period of prescription and a rate of discount at not less than which the books shall be furnished by the retail dealers in this State; to require the publishers, in the discretion of the Board to establish in each county one or more depositories of their books within the State, at such place or places as the Board may designate, and where such books may be obtained without delay; and to exact of the publishers a bond in the sum of not more than five thousand (\$5,000.00) dollars, conditioned for the faithful performance of the agreement, and with a penalty of twenty-five (\$25.00) dollars for each violation of the agreement, the form and execution of the bond to be approved by the Attorney General of the State, which agreement and bond shall be deposited with the State Treasurer, all recoveries thereon to go into the State treasury for school purposes: *Provided*, That the State Board of Education shall not have power, without permission of the General Assembly of the State, to change a textbook within five (5) years from the date of its adoption except for violation of the agreement entered into by its publisher with the State Board of Education, for which cause it may be changed by the said Board: *And provided, further*, That not more than fifty per cent. of the exchangeable books used in the first, second and third grades, and not more than fifty per cent. of the exchangeable books used in the fourth, fifth, sixth and seventh grades, and not more than fifty per cent. of the exchangeable books used in the high school grades, as designated by the State Board of Education, shall be changed at any one adoption. Every change for the textbook adopted for any subject or grade shall be based on at least one reason to be assigned for the change by the State Board of Education in writing, and the vote of the Board making such change shall be recorded in the minutes of said Board, and shall be taken on a roll call, said roll call to be recorded in said min-

utes. The meetings of the State Board of Education at which textbooks may be adopted, shall be public; and it shall be unlawful for any teacher drawing public school money to use any book not prescribed by the State Board of Education without the consent in writing, of said Board. (6) To grant State teachers' certificates and to revoke them for immoral or unprofessional conduct, profanity or evident unfitness for teaching. (7) To review on appeal an order revoking a county certificate. (8) To award scholarships created by the General Assembly in the institutions of learning in whole or in part supported by the State.

§ 2. Inconsistent Acts Repealed.—That all Acts and parts of Acts inconsistent with this Act are hereby repealed.

Approved the eleventh day of March, A. D. 1915.

Note.—There is no indication in this section that State Board of Education may not provide by contract with publishers of school textbooks to maintain at State Capital a central wholesale depository from which its agencies and the county depositories may be supplied at discount of not less than ten per cent. *Duncan v. State Board*, 74 S. C. 560, affirmed in 78 S. C. 227. As to teachers' certificates, see Attorney General's opinion, April 1, 1914. As to power of State Superintendent in making contracts for the adoption and sale of school books within the State, see *Johnson Publishing Co. v. State Board of Education*, 91 S. C. 55.

Approved the eleventh day of March, A. D. 1915.

Civil 1912, § 1708. Amended 1914.

§ 1709. State Board of Education to Award Certain Scholarships.—The scholarships provided by law in the University of South Carolina, in the Clemson Agricultural College, in The Citadel, the Military College of South Carolina, and in the Winthrop Normal and Industrial College shall be awarded by the State Board of Education upon the recommendation of the faculties of the respective institutions, or of such committee as may be appointed for that purpose by the Boards of Trustees of those institutions.

1911, XXVII, 113.

§ 1710. Dates of Competitive Examinations.—These recommendations shall be determined by competitive examinations. The dates of these examinations shall be as follows: For the University of South Carolina and for the Clemson Agricultural College, the second Friday in July of each year. For The Citadel, the Military College of South Carolina, the second Friday in August of

each year. For the Winthrop Normal and Industrial College, the first Friday in July of each year.

1911, XXVII, 113.

Note.—In case of flood, storm or other extraordinary circumstances preventing the holding of examinations on these dates, other dates may be set by presidents of the respective colleges. Attorney General's opinion, 1916.

§ 1711. Conditions and Methods of Examinations.—The conditions and methods of these examinations shall be as follows: No person who during the current year has won or holds a scholarship at one State institution shall be eligible to stand an examination for a scholarship in any other State institution. No applicant for a scholarship shall be eligible to stand an examination for a scholarship if such applicant has already attended the institution for which the scholarship is intended, or any other institution of higher learning known as college or university: *Provided*, That this condition shall not apply where there is no other applicant. No student who has forfeited a free scholarship because of failure to maintain himself shall be eligible to compete for reappointment at the same institution or appointment in any other institution. No applicant shall be debarred from any of these examinations by reason of the fact that he or she has not obtained a permit to stand. The questions for these examinations shall be prepared under the direction of the presiding officers of the several institutions, and shall be forwarded to the respective County Superintendents of Education ten days before the dates appointed for the respective examinations. The said County Superintendents of Education shall hold the said examinations under such rules as may be prescribed by the respective institutions and approved by the State Board of Education, and the County Superintendent of Education shall forward the papers to the presiding officers of the several institutions. The papers shall be examined under the direction of the presiding officers of the respective institutions, and the faculty of each institution, or such committee as the Board of Trustees thereof may appoint for that purpose, shall make recommendations as to the award of the scholarships to the State Board of Education. Each institution shall have the right to reject any applicant who, in respect of age, of examination papers, or on any respect, fails to meet its requirements for admission.

1911, XXVII, 113.

§ 1711a. No scholarship shall be awarded to any boy or girl by any State college of this State when such boy or girl has resided less than six months in the county from which said boy or girl applies for such scholarship: *Provided*, That the provisions of this Act shall not apply to boys or girls of ministers of gospel in this State.

Amended 1918. Approved December 28, 1918.

§ 1712. Vacancies—How Filled.—If a vacancy shall occur in a scholarship for which there is no eligible applicant from the county to which that scholarship belongs, the faculty of the institution in which that vacancy occurs, or the committee to which this duty has been entrusted by the Board of Trustees, may fill the vacancy by appointment of any applicant from the State at large: *Provided*, That when such vacancy is filled by such appointment at large the scholarship shall again become vacant at the end of the current session if there is an eligible applicant from the county to which the scholarship regularly belongs.

1911, XXVII, 113.

§ 1713. Requirement as to Scholarships.—Those receiving scholarships in the University of South Carolina shall be required to take the regular teachers' normal course.

1911, XXVII, 113.

§ 1714. Normal Scholars Deposit Notes.—All holders of normal scholarships in the University of South Carolina shall be required at the time of the receipt of any scholarship funds by them to deposit with the treasurer of the university their notes for the amount of scholarship money received, promising to repay such money to the State Treasurer at or before the expiration of eight years after date of such receipt, which notes and promises shall be cancelled on presentation to the dean of the department of education of satisfactory evidence of the promissors' having taught school in South Carolina for two years after leaving the institution.

1911, XXVII, 113.

§ 1714a. Award of Scholarships in Winthrop Regulated.—After the approval of this Act, in counties to which less than four free scholarships in Winthrop College are apportioned, at least one such scholarship shall be open exclusively to applicants from rural communities, and in counties having more than four such scholar-

ships at least two shall be open exclusively to applicants from rural communities: *Provided*, That nothing herein contained shall prevent applicants from rural communities from contesting for any such scholarships: *Provided*, The said applicants from rural communities make the required entrance examination average; if they do not, then the award of the scholarship shall revert to such other applicant or applicants who make the required average.

1912, XXVII, 685.

§ 1714b. Beneficiary Scholarships to Clemson to Be Awarded—How.—The beneficiary scholarships in Clemson Agricultural and Mechanical College as now apportioned among the several counties shall be awarded as hereinafter provided, to wit: In counties having less than four such scholarships, one shall be open exclusively to boys from rural communities, and in counties having four or more such scholarships, at least two thereof shall be open exclusively to boys from rural communities: *Provided*, That nothing herein shall exclude boys residing in rural communities from also contesting for any of such scholarships.

1912, XXVII, 685.

§ 1714c. Beneficiary Scholarships for Clemson.—There are hereby established and created fifty-one beneficiary agricultural scholarships in the Clemson Agricultural College of South Carolina, said scholarships to be of the value of \$100.00 per annum, and free tuition, and to be awarded so that there shall be one scholarship to each county and seven scholarships from the State at large.

1912, XXVII, 686.

§ 1714d. Scholarships to Be Awarded—How.—The said scholarships shall be awarded as a prize for meritorious agricultural achievement under the following conditions: On or before July 1st the County Executive Committee or other governing Board of the most representative and well-organized agricultural association or society or organization of farmers in the county, as determined from time to time by the Board of Trustees of Clemson Agricultural College, shall recommend to the President of the said Clemson Agricultural College, in order of merit, three or more young men who have done creditable work of an agricultural nature, giving an explicit statement of the work done by each. The young men thus recommended shall be notified by the president of the college and shall

stand examination at the county seat at the same time and under the same conditions as other scholarship applicants, except that no certificate of financial inability shall be required. In the event of there being no such agricultural association or society or organization of farmers in any particular county, the director of the agricultural department of the said Clemson Agricultural College shall solicit opinions from three or more representative farmers in the said county, and from these recommendations prepare a list, which shall be submitted to the president of the college in lieu of the recommendation of the said Executive Committee or other governing Board of such agricultural association, society or organization of farmers.

1912, XXVII, 686.

§ 1714e. Scholarships at Large.—Recommendations for the seven scholarships at large shall be made in every way as for the county scholarships, except that the Executive Committee or other governing Board of the most representative and well-recognized association or society or organization of farmers in the State at large, as determined from time to time by the Board of Trustees of Clemson Agricultural College, shall act instead of the County Executive Committee or other governing Board hereinbefore mentioned in Section 1714d.

1912, XXVII, 686.

§ 1714f. Age Limit.—Any student as above recommended for meritorious agricultural service shall, as a prerequisite to admission to the Clemson Agricultural College, be of such age as is fixed by the Board of Trustees for admission of other students, and shall have passed the entrance examinations as required of other beneficiary scholarship students.

1912, XXVII, 686.

§ 1714g. Board of Education to Appoint.—The faculty of the said Clemson Agricultural College, or committee designated by the Board of Trustees for that purpose, shall recommend to the State Board of Education for appointment to the scholarship one of the young men on the list of those recommended who has successfully passed the examination and is otherwise qualified.

1912, XXVII, 686.

§ 1714h. How Scholarships to Be Paid For — Term of Scholarship.—The said scholarships shall be paid from the income of the said Clemson Agricultural College as now provided by law, and each shall continue for a term not exceeding one year, or for such length of time as the beneficiary shall be able to maintain himself as a student of the college; and the said sum of \$100.00 per annum shall be placed to the credit of each beneficiary and applied to the payment of his board and other necessary expenses.

1912, XXVII, 686.

§ 1715. Enrollment Defined.—No child shall be counted in the enrollment more than once, nor in more than one school district in any one school year, and the school officer charged with the duty of enrollment wilfully violating this provision shall be guilty of a misdemeanor. The teacher or principal of every school shall keep and furnish annually to the Trustees of the school district a list of all pupils that have attended the school during the preceding scholastic year, showing the names of the pupils, their respective places of residence and the number of days each pupil has attended, which list shall be certified to the County Board of Education by said Trustees on or before the first day of August in every year.

Civil 1902, § 1185; 1896, XXII, 150.

§ 1716. Enrollment in Night Schools to Be Counted in Apportionment.—Whenever any children of school age, as provided by law, shall attend a public night school for twenty nights in any scholastic year, they shall be deemed enrolled and their names shall be used by the County Boards of Education in making apportionments just as if they had attended day school ten days, as provided by law: *Provided*, That the said night schools shall be taught by teachers qualified by law to teach in the public schools of the State: *And provided, also*, That the course of study shall be the course approved by the State Board of Education for use in the public schools of the State.

The same children shall not be counted twice in making up the enrollment of a school district.

1905, XXIV, 960.

§ 1717. County Superintendent of Education—Election—Term—Bond—To Qualify Immediately—Failure in Thirty Days Creates Vacancy—Act Not to Apply to Bamberg, Saluda and Berkeley—Not to Affect Superintendents Now in Office.—There shall be elected by the qualified electors of the county a County Superintendent of Education for each county, who shall hold his office for a term of four years and until his successor is elected and qualified. He shall, before being commissioned and entering upon the duties of his office, give bond to the State, for the use of the county in which he is elected, for educational purposes, in the penal sum of one thousand (\$1,000.00) dollars, with good and sufficient sureties, to be approved by the County Board of Commissioners, conditioned for the faithful and impartial discharge of the duties of his office; and shall take and subscribe the oath of office prescribed in Section 26, Article III of the Constitution of this State, which he shall file in the office of the Secretary of State. When commissioned he shall immediately enter upon the discharge of his duties. His failure to qualify within thirty days after notice of his election shall create a vacancy: *Provided*, That in any county where the term of office of the County Superintendent of Education now expires in January such term is hereby extended to July 1st following such expiration: *And provided, further*, That the term of office of the County Superintendent of Education shall run from July 1st throughout four consecutive scholastic years in each county: *Provided*, The provisions of this Act shall not apply to the counties of Bamberg and Saluda: *Provided*, The provisions of this Act shall not apply to Berkeley county, but the term of office for the County Superintendent of Education for Berkeley county shall remain two years: *Provided*, That this Act shall not be construed to extend to four years the term of office of any Superintendent already elected for two years.

§ 2. Inconsistent Acts Repealed.—All Acts and parts of Acts inconsistent with this Act be, and the same are hereby, repealed.

Approved the eleventh day of March, A. D. 1915.

Note.—County Superintendent of Education. Removal from office for misconduct, see Attorney General's opinion, January 25, 1915. Vacancy in office of County Superintendent, see Attorney General's opinion, February 19, 1915.

§ 1718. Vacancies.—The State Board of Education shall fill all vacancies in the office of County Superintendent of Education for the unexpired term.

Note.—See Attorney General's opinion, December 22, 1915.

§ 1719. Duty to Visit Schools, Etc.—It shall be the duty of each County Superintendent of Education to visit the schools in his county at least once in each year, and oftener if practicable, and to note the course and method of instruction and the branches taught, and to give such recommendation in the art of teaching and the method thereof in each school as shall be necessary, so that uniformity in the course of studies and method of instruction employed shall be secured as far as practicable in the schools of the several grades, respectively. He shall acquaint himself as far as practicable with the character and condition of each school, noting any deficiencies that may exist, either in the government of the school or the classification of its pupils or the method of instruction employed in the several branches, and shall make such suggestions in private to the teachers as to him shall appear necessary to the good order of the school and the progress of the pupils. He shall note the character and condition of the schoolhouses, the sufficiency or insufficiency of the furniture, and shall make such suggestions to the several Boards of Trustees as in his opinion shall seem conducive to the comfort and progress of the several schools. It shall be the duty of each County Superintendent of Education to aid the teachers in all proper efforts to improve themselves in their profession. For this purpose he shall encourage the formation of association of teachers for common improvement and conduct teachers' institutes. He shall attend the meetings of such associations and give such advice and instruction in regard to their conduct and management as in his judgment will contribute to their greater efficiency.

Civil 1902, § 1188; 1896, XXII, 150.

§ 1720. County Superintendent to Attend Annual Settlement of County Treasurer—Apportionment of School Funds.—The County Superintendent of Education shall attend the annual settlement of the County Treasurer with the Comptroller General. Within ten days after the County Treasurer makes his monthly report to the County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to

apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county, and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation: *Provided*, That there be no outstanding claims of the previous scholastic year, and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

Civil 1902, § 1189; 1896, XXII, 150; 1898, XXII, 761.

Note.—See Criminal Code for penalty for violation of this section.

§ 1721. Reports of County Superintendent—What to Contain.—The annual report of the County Superintendent of Education shall contain the complete statistics of all schools within his county supported in whole or in part from the public funds, as may be required of him by the State Superintendent of Education.

Civil 1902, § 1190; 1896, XXII, 150.

§ 1722. Annual Report, Etc., of County Superintendent.—The County Superintendent of Education shall make an annual report of all claims filed, audited and allowed and ordered paid by him during each fiscal year to the presiding Judge at the third term of the Court of General Sessions for his county, which shall be held after the first day of January in each year, to be submitted by said Judge to the Grand Jury for their examination. After examination the Grand Jury shall report thereon to the presiding Judge any matter growing out of or pertaining to said annual report which to them may seem worthy of the attention of the Court. The said report shall thereupon be filed by the Clerk of said Court and kept as papers of said Court for inspection by any citizen desirous of examining the same.

Civil 1902, § 1191; 1896, XXII, 158; 1897, XXII, 509.

§ 1723. County to Furnish Certain Things.—The County Board of Commissioners of each county are authorized and required

to furnish the County Board of Education of their county with a comfortable and convenient office and suitable office furniture, and to supply said office with fuel, lights, stationery, postage and such other incidentals as are necessary to the proper transaction of the legitimate business of his office.

Civil 1902, § 1192; 1896, XXII, 158.

§ 1724. Report to County Treasurer All Claims Approved.

—It shall be the duty of the County Superintendent of Education, on or before the fifteenth day of July in each year, to report to the County Treasurer, by school districts, all school claims approved by him for the school year last preceding, and the County Treasurer shall thereupon close the school accounts for that year, carrying over any balance to the credit of each school district of the then current fiscal year.

Civil 1902, § 1193; 1896, XXII, 158.

§ 1725. Register to Be Kept.—The County Superintendent of Education shall keep a register of all claims approved by him and of such other matters as the State Superintendent of Education shall require of him, and in the form prescribed by the State Superintendent.

Civil 1902, § 1194; 1896, XXII, 158.

§ 1726. What to Furnish the Trustees.—The County Superintendent of Education shall furnish the School Trustees of his county with copies of the reports made to him by the County Auditor and County Treasurer as to the persons listed and paying poll tax, and shall aid the Trustees in making all proper corrections.

Civil 1902, § 1195; 1896, XXII, 158.

§ 1727. Seal of County Superintendent.—The County Superintendents of Education shall keep in their office a die, in a circular form, upon the center of which shall be engraved, in capital letters, the word "seal," and on the circumference the proper words indicating the office, which shall be regarded as the seal of the office, and which the County Superintendent of Education shall be required to impress upon all papers issued from his office, and affix his name to such paper. And it shall be the duty of the County Board of Com-

missioners in each county to furnish the County Superintendent of Education of their respective counties with such seal.

Civil 1902, § 1196; 1896, XXII, 158.

Note.—It is not necessary that claims approved by him be also under his official seal. *State v. Morton*, 51 S. C. 223.

§ 1728. Salaries of County Superintendents of Education Fixed.—In Abbeville, Marlboro, Chester, Lexington, Union and York counties they shall receive annually, in addition to the salaries provided, one hundred dollars, and in Laurens county, fifty dollars, for traveling expenses; in every other county of the State they shall receive annually, in addition to their salaries, such sum as may be necessary to pay actual expenses incurred by them in attending meetings called for the purpose of advancing the educational interests, and for the purpose of visiting schools in other counties in order to become familiar with their management and mode of teaching: *Provided*, That no such account shall be approved in favor of any County Superintendent of Education until such Superintendent of Education shall have furnished the County Board of Education with an itemized statement, under oath, of the expenses incurred: *And provided, further*, That in no case shall the expenses exceed one hundred dollars to be paid on the warrant of the County Board of Education. His claim for service and expenses shall be presented in the form of an account against the County Board of Education, and shall be verified by affidavit to the effect that said account is just and true; that the service therein named was honestly and faithfully rendered, and that the sum therein claimed is rightfully due and remains unpaid. When said account shall have been duly audited and approved by the County Board of Education it shall be filed with the County Treasurer, who shall pay the same ratably out of the funds apportioned to the several school districts in proportion to the average number of children attending the free public schools in each school district.

Civil 1902, § 1198; 1883, XXIII, 535; 1891, XX, 1114; 1391, 1268; 1893, XXI, 492; 1899, XXIII, 1057; 1905, XXIV, 836.

Note.—The Act of 1899, Sec. 1197, held not to repeal Sec. 1057, of the Rev. Stats. 1893, contained in this section. *Houser v. Orangeburg County*, 59 S. C. 265. As to employment of assistants for County Superintendent of Education, see Attorney General's opinion, June 4, 1904, and May 30, 1916.

§ 1729. County Board of Education — Of Whom Composed, Etc.—There shall be a County Board of Education in each county, composed of three members, one of whom shall be the County Superintendent of Education, and the other two shall be appointed by the State Board of Education, at its regular meeting in April, 1897, and every two years thereafter, who shall hold their office for a term of two years from the time of their appointment and until their successors shall be appointed and qualified, unless sooner removed by the State Board of Education.

Civil 1902, § 1199; 1897, XXII, 516.

Note.—Two are a quorum and can act. See Attorney General's opinion, 1906.

§ 1730. Duties of County Board of Education.—The County Board of Education shall examine all candidates for the position of teacher, and give to each person found qualified a certificate setting forth the branches of learning he or she may be capable of teaching, and the percentages attained in each branch, said certificate to be valid for a term of two years, unless sooner revoked, and it may be renewed with or without examination, at the discretion of the Board, all of which shall be done under such regulations as the State Board of Education may prescribe. No teacher shall be employed in any of the free public schools without a certificate from the County Board of Education or the State Board of Education: *Provided*, That no examination as to the qualification shall be made in the case of any applicant who produces a full diploma from any chartered college or university of this State, or Memminger Normal School, of Charleston, and furnish satisfactory evidence of good moral character: *Provided, further*, That the State Board of Education shall examine into the curriculum, standing, faculty and equipment of each institution, and see that it is doing real college work, before certificates may be issued on its diplomas. The two members of the Board appointed by the State Board of Education shall receive for the services rendered by them compensation at the rate of three dollars per diem for not exceeding seven days, except in the counties of Greenville and Orangeburg, where the number of days shall not exceed twenty, and in the counties of Barnwell, Dorchester, York and Hampton, where the number of days shall be ten, if so much be necessary, in each year, and mileage of five cents

for each mile of necessary travel, the same to be paid by the County Board of Commissioners out of the ordinary county funds.

Civil 1902, § 1200; 1897, XXII, 516; 1903, XXIV, 1084; 1906, XXV, 37; 1908, XXV, 1151; 1909, XXVI, 73; 1910, XXVI, 740; 1911, XXVII, 116.

Note.—As to teacher's certificates, see Attorney General's opinion, April 1, 1914. *Ex parte Greenville College*, 75 S. C. 93. Teachers without certificates cannot draw pay. Attorney General's opinion, 1906. County Board to grant teachers certificates. Attorney General's opinion, 1914.

§ 1731. What Shall Be Taught.—It shall be the duty of the County Board of Education and the Boards of Trustees hereinafter provided for to see that in every school under their care there shall be taught, as far as practicable, orthography, reading, writing, arithmetic, geography, English grammar, the elements of agriculture, history of the United States and this State, the principles of the Constitution of the United States and this State, morals and good behavior, algebra, physiology and hygiene, and especially as to the effects of alcoholic liquors and narcotics upon the human system, English literature, and such other branches as the State Board may from time to time direct.

Civil 1902, § 1201; 1896, XXII, 161.

§ 1732. Physiology and Hygiene to Be Taught in Public Schools — Nature of Alcoholic Drinks and Narcotics.—The nature of alcoholic drinks and narcotics and special instruction as to their effect upon the human system, in connection with the several divisions of the subject of physiology and hygiene, shall be included in the branches of study taught in common or public schools in the State of South Carolina, and shall be studied and taught as thoroughly and in the same manner as other like required branches are in said schools, by the use of textbooks in the hands of pupils where other branches are thus studied in said schools, and orally in the case of pupils unable to read, and shall be taught by all teachers and studied by all pupils in all said schools supported wholly or in part by public money.

1908, XXV, 1054.

§ 1733. Textbooks — Relating to Alcoholic Drinks and Narcotics.—The textbooks used for the instruction required to be given by the preceding section in primary and intermediate grades.

shall give at least one-fourth of their space to the consideration of the nature and effects of alcoholic drinks and narcotics, and the books used in the highest grade of graded schools shall contain at least twenty pages of matter relating to this matter.

1908, XXV, 1054.

§ 1734. Penalty to Enforce Provisions.—It shall be the duty of the proper officers in control of any school described in the foregoing section to enforce the provisions of the last two sections; and any such officer, school director, committee, superintendent or teacher who shall refuse or neglect to comply with the requirements of the last two sections, or shall neglect or fail to make proper provisions for the instruction required and in the manner specified by Section 1732, for all pupils in each and every school under his jurisdiction, shall be removed from office and the vacancy filled as in other cases.

1908, XXV, 1054.

§ 1735. Three-Mill Tax.—The County Board of Education of the several counties of this State, or such officer or officers as may be vested with the same or similar powers or duties, shall levy an annual tax of three mills on the dollar upon all the taxable property in their respective counties, which tax shall be collected at the same time and by the same officers as the other taxes for the same year, and shall be held in the county treasury of the respective counties, and on the first day of July of each year, or as soon as practicable thereafter, the said fund shall be apportioned by the said County Boards respectively among the school districts of their respective counties in proportion to the number of pupils enrolled in the public schools of such school districts, and the said County Boards shall ascertain the amount of poll taxes collected in and for each school district of their respective counties, and shall notify the County Treasurer and the Trustees of each school district of the amount of poll taxes, as well as of the amount of the aforesaid fund apportioned by them to each school district.

How School Funds Are Distributed and Expended.—The school funds of each district shall be distributed and expended by the Board of Trustees for the best interests of the school district, according to the judgment of the Board of Trustees, on their warrant approved by the County Superintendent of Education. For the purpose of said apportionment pupils shall not be deemed enrolled

until after an attendance of at least ten days during the preceding scholastic year.

Civil 1902, § 1202; 1896, XXII, 161.

Note.—Mandamus will not issue to compel approval of warrant where the funds in the treasury are insufficient to pay it. *Williams v. Hires*, 51 S. C. 338; *Bryson v. Daniels*, 52 S. C. 201. The power of the County Superintendent is also discretionary and mandamus, therefore, is not the proper remedy; the remedy is given in the next section. *State v. Hires*, see Const. 1895, Art. XI, Sec. 6. As to expenditure of school funds, see Attorney General's opinion, May 27, 1913.

§ 1736. Advisory Board to County Superintendent—Powers in Case of Appeal.—The County Board of Education shall constitute an advisory body with whom the County Superintendent of Education shall have the right to consult when he is in doubt as to his official duty, and also a tribunal for determining any matter of local controversy in reference to the construction or administration of the school laws, with the power to summon witnesses and take testimony if necessary, and when they have made a decision said decision shall be binding upon the parties to the controversy: *Provided*, That either of the parties shall have the right to appeal to the State Board of Education, and said appeal shall be made through the County Board of Education, in writing, and shall distinctly set forth the question in dispute, the decision of the County Board and the testimony as agreed upon by the parties to the controversy, or, if they fail to agree, upon the testimony as reported by the County Board.⁹

Civil 1902, § 1203; 1896, XXII, 161.

Note.—It is clear that the action of a Board of Trustees is subject to supervision and orders of the County Board of Education. *State v. Daniel*, 52 S. C. 201. An appeal lies from the county to State Board. *Williams v. Hires*, 51 S. C. 388. And when taken acts as a supersedeas. Attorney General's opinion, 1905, p. 41. A County Board of Education cannot enter into a contract with the Board of an adjoining county for the joint conduct of a school which will bind the successors of the respective districts. *Rouse v. Benton*, 100 S. C. 150; *Williams v. Hires*, 51 S. C. 388. Action by school teacher for damages for breach of contract to teach school is not "matter of local controversy in reference to construction or administration of school law. *Hughes v. School District*, 66 S. C. 529. Mandamus to require County Board of Education to issue teacher's certificate to graduate of Greenville College for Women on its diploma is not proper remedy, but appeal to State Board of Education. *Ex parte Greenville College*, 75 S. C. 93.

§ 1737. Meetings and Duties of Board of Education.—

The County Board of Education shall meet for the purpose of examining applicants for teachers' certificates, and the transaction of other business, at least twice a year, at such times as the State Board of Education shall appoint. The County Superintendent shall be Chairman and Clerk of the Board, and shall keep a fair record of their proceedings, and register of the name, age, sex, color, residence and date of certificate of each person to whom a certificate is issued, and in case the certificate be cancelled shall make a proper entry of the same. The Board shall have power to revoke any certificate granted by them, for immoral or improper conduct, or evident unfitness for teaching. The Board shall hold as many additional meetings during the year as the interest of the free public schools of the county may require, subject to regulations prescribed by the State Board of Education.

Civil 1902, § 1204; 1896, XXII, 161.

§ 1738. Counties to Be Divided Into School Districts—By Whom, Size of, Etc. — The County Boards of Education shall divide their counties into convenient school districts, as compact in form as practicable, having regard to natural boundaries, and not to exceed forty-nine nor be less than nine square miles in area, and shall alter the lines thereof and create additional school districts from time to time as the interests of the schools may in their judgment demand: *Provided*, That no new school district shall be erected by said County Board of Education except upon the petition of at least one-third of the qualified electors embraced within the limits of such proposed school district: *Provided, further*, That no school district shall be consolidated except upon a petition of at least one-third of the qualified voters of the school district proposed to be consolidated: *Provided, further*, Whenever territory embraced in two or more counties is proposed to be formed into one school district, the same may be formed by the joint action of the Board of Education of the respective counties as herein provided for the formation of school districts in a county: *Provided*, That in cities of ten thousand inhabitants and over this limitation of area shall not apply: *Provided, further*, That when any school district laid out under this section shall embrace cities or towns already organized into special school districts, in which graded school buildings have been erected by the issue of bonds, or by special taxation, or by donation, all the territory included in said school district shall bear its just proportion

of any tax that may be levied to liquidate such bonds or support the public schools therein. The present division of the counties into school districts shall remain until changed by the County Boards of Education. The County Boards of Education are authorized and empowered to make contracts for the purpose of dividing their counties into proper school districts and to provide for the payment of the expenses thereof out of the school funds of the county. Every school district now organized, or to be hereafter organized in pursuance of this section, is and shall be a body politic and corporate, by the name and style of School District No. (such number as may be designated by the County Board of Education), of county (the name of the county in which the district is situated), the State of South Carolina; and in that name may sue and be sued, and be capable of contracting and being contracted with to the extent of their school fund, and holding such real and personal estate as it may come into possession of, by will or otherwise, or as is authorized by law to be purchased, all of which shall be used exclusively for school purposes.

Civil 1902, § 1205; 1896, XXII, 161; 1900, XXIII, 360.

Note.—As to authority of Trustees, see *State v. Bacon*, 31 S. C. 120. School district not necessary party to suit on County Treasurer's bond for misappropriated school funds. *Aiken County v. Murray*, 35 S. C. 508. Circuit Court has jurisdiction of action by teacher against school district for damages for breach of contract to teach school and complaint need not state that he held certificate at time of contract. *Hughes v. School District*, 66 S. C. 259. School districts are bodies corporate and may sue and be sued. *Hughes v. School District*, 66 S. C. 259; *State v. Bacon*, 31 S. C. 765; *Aiken County v. Murray*, 35 S. C. 508. County Board has power to alter lines of school districts. Attorney General's opinion, 1905, p. 40. When County Board may act without petition to do so. Attorney General's opinion, 1904, pp. 28, 30. Petition for consolidation should be signed by one-third of the voters in each district to be consolidated. Attorney General's opinion, 1904, p. 29. But the lines of one district may be altered to include another district without petition. Attorney General's opinion, 1904, p. 30. Consolidation of districts in different counties is to be based upon separate petition from each county. Attorney General's opinion, 1904, p. 32. Adding new territory to a district makes it subject to taxation therein. Attorney General's opinion, 1904, p. 33. The alteration of district lines does not affect the levy of taxes already made. Attorney General's opinion, p. 1076. The expenses of survey, etc., are to be paid out of the school funds. Attorney General's opinion, 1904, p. 28. As to dissolution of joint school districts, see Attorney General's opinion, May 8, 1913. As to schoolhouses and custody of school property, see Attorney General's opinion, January 8,

1913. As to extension of special tax where school districts embracing incorporated cities or towns are reformed, see Attorney General's opinion, September 9, 1916.

§ 1739. Dissolution of School Districts in Adjoining Counties.—Any school district formed of parts of two or more counties under the provisions of this section may be dissolved in the same manner as that by which the same may have been formed, as above provided.

1910, XXVI, 694.

Note.—As to dissolution of joint school districts, see Attorney General's opinion, May 8, 1913.

§ 1740. Board of Trustees.—Each school district shall be under the management and control of the Board of Trustees herein-after provided for, subject to the supervision of the County Board of Education.

Civil 1902, § 1206; 1896, XXII, 162.

Note.—Words "management and control" do not import any power beyond that demanded from their ordinary meaning. *Young v. Trustees*, 64 S. C. 131.

§ 1741. School Districts Made Tax Districts.—The school districts of the several counties of the State are hereby made and declared to be the divisions of the counties for taxation for all school purposes.

Civil 1902, § 1207; 1896, XXII, 162.

§ 1742. How School Districts May Levy Special School Tax—How Collected and Paid.—The voters or electors of any school district who return real or personal property for taxation are authorized to levy and collect an annual tax to supplement any special or other constitutional or other tax for like purposes in the following manner: Upon the written petition or request of at least one-third of the resident electors, and a like proportion of the resident freeholders of the age of twenty-one years, being filed with the County Board of Education, asking for the same and stating the rate of the tax levy proposed, which shall not exceed eight mills, the said County Board of Education shall order the Board of Trustees of said school district to hold an election at some place within the district, after giving notice of the time and place thereof for at least two weeks in some newspaper published within the county, and by posting notice thereof in at least three public places within

such school district, for such length of time, unless there be no newspaper published within the county, in which event the posting of the notices as above shall suffice; at which said election only such electors as return real or personal property for taxation, and who exhibit their tax receipts and registration certificates as required in general elections, shall be allowed to vote. At the said election the Board of Trustees shall act as managers, and the election shall be conducted as is provided by law for the conduct of general elections. At said election each elector favoring the proposed levy shall cast a ballot containing the word "Yes," printed or written thereon, and each elector opposed to said levy shall cast a ballot containing the word "No," printed or written thereon. Within ten days after such election, if the majority of those voting shall vote for such levy, the Board of Trustees shall furnish the County Auditor with a statement of the amount so levied, and the Auditor shall enter the same in the tax duplicates, and he shall annually, each year thereafter, enter said amount in the tax duplicates until the same is increased, decreased or repealed by said taxpayers at an election called for the purpose and he is notified that the same has been increased, decreased or repealed; and if increased or decreased, he shall annually enter it as before; which election shall be called and notice given in the same way and manner as is herein provided for the calling of meetings to make the levy and the giving of the notice that it has been made, and the County Treasurer shall collect the same as other county and State taxes: *Provided*, That any tax which may be levied, increased, decreased or repealed after July 1st in any fiscal year shall not take effect until the next succeeding fiscal year. Such levy shall be a lien on the property in such school district, which shall be subject thereto in case of default of payment. Said tax so collected shall be paid out by the County Treasurer upon warrants drawn by the Board of Trustees, countersigned by the County Superintendent of Education: *Provided*, That any surplus of such levy remaining in the hands of the County Treasurer at the expiration of any fiscal year shall be paid out as other school funds of the district. Each taxpayer, when he pays any tax for school purposes voted under the provision of this section, shall have the right to designate to which school in said school district he wishes the money paid by him to go; and the Treasurer shall keep a note of such designation, and the money be applied as thus designated. When no designation is made by the taxpayer at the time of such payment,

the money shall be expended as other school funds in such district: *Provided*, That nothing herein contained shall be construed to change the manner now provided by the law for the collection and paying out of special taxes in any school district now established by any special Act of the General Assembly and organized thereunder.

Civil 1902, § 1208; 1896, XXII, 162; 1900, XXIII, 364; 1903, XXIV, 64; 1906, XXV, 111; 1907, XXV, 631; 1910, XXVI, 742.

1742a. Flexible Levy Allowed.—Whenever in any school district in the State of South Carolina, where special levies and taxes have been authorized, levied and are being collected, or may hereafter be authorized, levied and collected, the assessed valuation of the property shall have so increased since the authorization of the special levy as to provide an amount of taxes in excess of that contemplated at the time of the authorization of said levy, or in excess of the amount collected the first year under such authorization, then and in that event, upon the written petition of the Trustees of such school district, approved by the County Board of Education, and upon the petition of three-fourths of the residents subject to such tax, the Auditor of the county in which the said school district is situate and the tax being collected shall reduce the levy for such school district to such an amount as will produce the total amount of taxes originally intended to be collected.

§ 2. That whenever the special levy in any school district shall have provided sufficient funds to pay and satisfy the purposes and obligations for which the said special levy was authorized, then, upon the written petition of the Board of Trustees of such school district, or upon the written petition of three-fourths of the residents in said school district subject to such levy and taxes, the Auditor of the county in which such school district is located shall discontinue the assessment authorized. “The provisions of this Act shall not apply to Chesterfield, Sumter and Charleston, Aiken, Hampton, Jasper, Williamsburg, Richland, Oconee, Horry, Lexington, Allendale, Dorchester, Lee, York and Florence.”

§ 3. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Acts 1919.

Note.—Section 1742 permits a local district tax of eight (8) mills. Section 1812g of the revised High School Act of 1919 permits a further local district tax of four (4) mills for high school purposes. In many districts, and in some counties, special legislative Acts provide higher rates

of local taxation. In Saluda Courthouse district it is twenty-one mills; in Horry county, sixteen mills; in Florence county, twelve mills.

Note.—Proceedings to levy tax; taxpayer participating estopped to deny regularity, etc. *Martin v. School District of Laurens*, 57 S. C. 125. Provision that "only such electors as return real or personal property for taxation," etc., shall be allowed to vote, does not apply to election under Sec. 1743. *McLaurin v. Tatum*, 85 S. C. 444. Where the district lines divide tract of land, owner can only vote in the district in which he resides, see Attorney General's opinion, 1904, p. 52; 1906, p. 102. The voter must both own property in the district and have paid taxes, see Attorney General's opinion, 1906, p. 99, March 7, 1900. If the election is contested, the County Board of Education hears the contest and determines the result, subject to review by State Board. Attorney General's opinion, 1904, p. 53. This is a local election, distinguished from general or special election, and the provisions of the Code requiring registration books closed for thirty days prior thereto does not apply to it. See Attorney General's opinion, 1903, p. 52. If illegally conducted, the levy may be enjoined. Attorney General's opinion, 1903, p. 51. The petition must be signed by one-third both of resident voters and resident freeholders. Attorney General's opinion, July 10, 1902. The electors must be registered, but not the freeholders, which term includes women owning property in the district. Attorney General's opinion, 1906, p. 104. The County Auditor should be given written notice of the levy. *Dent v. Brice*, 16 S. C. 12. This notice must be given in time for the Auditor to make the proper entries on duplicates before October 1st. Attorney General's opinion, 1906, p. 105. So as to the time of election. Attorney General's opinion, May 10, 1902. The taxpayer can only direct application of tax to a school within the district wherein his property taxed is situated. Attorney General's opinion, 1904, p. 29. When once voted, the tax is a lien upon all property within the district until repealed. Attorney General's opinion, 1904, p. 30; or the land is taken out of the district by alteration of lines. Attorney General's opinion, 1904, p. 31. As to construction Sec. 1742, see Attorney General's opinion, March 21, 1916. As to qualification of electors, see Attorney General's opinion, April 14 and May 2, 1913. County Board have authority to reform districts. Attorney General's opinion, July 17, 1917.

1907, XXV, 523.

§ 1743. School Districts May Issue Bonds—Elections.—

The Trustees of any public school district in the State of South Carolina are hereby authorized and empowered to issue and sell coupon bonds of the said school district, payable to bearer, in such denominations and amounts as they may deem necessary, not to exceed four per cent. of the assessed valuation of the property of such school district for taxation, and bearing a rate of interest not exceeding six per cent. per annum, payable annually or semiannually, and at such times as they may deem best: *Provided*, That the

question of issuing the bonds authorized in this section shall be first submitted to the qualified voters of such school district at an election to be held upon the written petition or request of at least one-third of the resident electors, and a like proportion of the resident freeholders of the age of twenty-one years, to determine whether said bonds shall be issued or not, as herein provided: *Provided, further,* That before any election is held hereunder it shall be the duty of the Trustees of the school district to have a survey of said school district made by some competent surveyor and a plat thereof made and filed in the office of the Clerk of Court: *Provided, further,* That the maximum percentage of assessed valuation as fixed above shall not apply to Rosemary School District, in the county of Georgetown, but that in said school district the maximum percentage of assessed valuation of property shall be eight per cent.: *Provided, further,* That the Trustees of any school district in Darlington county are hereby authorized and empowered to issue and sell coupon bonds of the said school district under the provisions of this Act and the laws of the State for not exceeding eight per cent. of the assessed valuation of the real and personal property of said district: *Provided, further,* That any school district now organized or hereafter organized in Chesterfield county may issue such bonds in an amount not to exceed eight (8%) per cent. of the assessed valuation of all the property in such district.

1907, XXV, 523; 1909, XVII, 89. Amended 1917 and 1919.

Note.—Term “qualified voter” means same as “qualified elector” in Constitution and general election statutes. *McLaurin v. Tatum*, 85 S. C. 444. As to the levy of special tax, see Attorney General’s opinion, July 18, 1913.

§ 1744. How Election Shall Be Held.—For the purpose of determining the issue of bonds authorized in Section 1743, such Trustees of school district shall order an election, to be held at such place in such school district as may be designated by such Trustees of such school district, on the question of whether such bonds shall be issued or not, in which election only qualified voters residing in such school district shall be allowed to vote, and such Trustees shall give notice of such election for ten days in a newspaper published in such district, or by posting such notice in three public places in such school district; shall designate the time and place and appoint the

managers of such election, and receive the returns of the managers and declare the results.

1907, XXV, 523.

Note.—As to validity of bonds issued under this section, see *Dove v. Kirkland*, 92 S. C. 322.

§ 1745. Ballots.—The ballot cast must have written or printed on it the words “For bonds” or “Against bonds.”

1907, XXV, 523.

§ 1746. How Bonds Shall Be Sold—Special Tax Levy.—

If a majority of the votes cast at such election shall be for the issuing of bonds, such Trustees shall issue such bonds, which shall run not longer than twenty years from date of issue thereof, which shall be sold by such Trustees at not less than par, and the proceeds of which shall be used by such Trustees for the purpose of erecting buildings, and for equipment for maintaining public schools in such school district, or for paying indebtedness of such school district; and such bonds and coupons of same shall constitute a lien upon the property of such school district; it shall be the duty of the county officers charged with the assessment and collection of taxes to levy and collect annually from all the property, real and personal, within the limits of such school district, a sum sufficient to pay the interest on such bonds, and also a sum sufficient to provide a sinking fund for the payment of such bonds when due, and the coupons thereof shall be received for school taxes upon property within such school district.

1907, XXV, 523.

Note.—As to discretion conferred upon Trustees with reference to issuance of bonds, see *Burriss v. Brock*, 95 S. C. 109.

§ 1747. How Bonds Shall Be Signed.—All bonds issued under and in pursuance of the provisions herein shall be signed by the Trustees of such school district: *Provided*, That the signatures of such Trustees shall be lithographed or engraved upon the coupons attached to such bonds, and such lithographed or engraved signatures shall be sufficient signing thereof.

1907, XXV, 523.

§ 1748. Proceeds — How Disposed Of.—The proceeds of such bonds as are contemplated hereinabove shall be deposited with the County Treasurer of the county in which such school district is

located, and shall be receipted for by such County Treasurer, and shall be paid out by him only upon the warrant of such Board of Trustees, as provided by law for the handling, expending and accounting for all other public funds: *Provided*, That nothing in the above section shall be construed as affecting any bonds already issued or voted in any school district of the State or bonds authorized by special Acts of the Legislature.

1907, XXV, 523.

§ 1749. How Money Shall Be Deposited.—The Treasurers of the counties in which said school districts are situated are directed and requested to deposit all moneys in their hands belonging to the sinking fund which may accumulate under the provisions herein in some savings institution or bank approved by the Board of Trustees of said school district, at the best rate of interest that can be obtained until the said bonds mature, and that the said Treasurers shall, at the direction of the Board of Trustees, change the place of deposit at any time: *Provided*, That the sinking fund belonging to Hartsville School District No. 32, in Darlington county, or which may accumulate under the provisions of this Act, shall be under the control and management of the Board of Trustees of said school district, and shall be applied to the bonds issued by them, or be invested by them to meet the payment of same when due: *Provided, further*, That Norway School District No. 71, in Orangeburg county, may issue school bonds not to exceed eight per cent. of the total taxable value of the property in such school district.

1907, XXV, 523; 1912, XXVII, 631.

Note.—As to care of sinking fund for retirement of school bonds, see Attorney General's opinion, June 11, 1915. Proceeds of bonds to be paid to County Treasurer. Attorney General's opinion, February 17, 1916.

§ 1750. Special School Districts in Adjoining Counties.—Whenever it shall happen that by reason of the location of special school districts portions of two adjacent counties should for convenience be included in one school district, the County Boards of Education of such counties are hereby authorized and directed in joint conference to make such regulations as will enable such sections to be established into a separate school district. The provisions of this section shall apply in all respects to the school districts of Marion county and Dillon county which have been cut by the lines separating said counties.

Civil 1902, § 1209; 1896, XXII, 164; 1910, XXVI, 640.

§ 1751. School Bonds Exempt from Taxation.—All bonds hereafter issued or sold, or to be hereafter issued or sold, by the Trustees of any school district or school districts pursuant to the vote of the majority of the qualified voters of such school district or school districts voting at an election heretofore or hereafter held for the erection of buildings, for equipment, for maintaining public schools in such district or districts, or for paying indebtedness of such district or districts, shall be exempt from all taxation for State, county, municipal or school purposes.

1908, XXV, 1051.

§ 1751a. Duplicates of Record of Bond Issues to Be Filed.

—In case any county, township, school district, city, town or other municipality is authorized to issue bonds in pursuance of law, the person and officers charged therewith shall make a full record of their acts and doings, a duplicate of which record shall be filed and indexed in the office of the Clerk of Court or Register of Mesne Conveyance of the county as provided for in case of deeds and mortgages in a special book to be furnished therefor, and the filing and indexing of such record shall constitute notice as fully as now provided in case of written instruments, deeds.

§ 1751b. Bonds in Hands of Bona Fide Purchaser for Value Incontestable After Thirty Days from Date of Filing

—Action Barred After Sixty Days.—No action shall be commenced on account of the issuance of any such bonds after the expiration of thirty days from the date of such filing and recording is completed, and such bonds in the hands of a *bona fide* purchaser for value shall be incontestable after thirty days from such date.

Acts 1917, p. 166.

§ 1752. Appointment of School Trustees—Terms—Duties—Graded Schools—Districts of Five Thousand Inhabitants.

—Each County Board of Education, on the first Tuesday of July, 1906, and on the first Tuesday in July every two years thereafter, shall appoint for each school district in their county three School Trustees, from the qualified electors and taxpayers residing in the district, who shall hold their office for two years, and until their successors are appointed and qualified, unless sooner removed by the County Board of Education: *Provided*, That no School Trustee shall be removed by the County Board of Education except for cause, and after said Trustee shall have had a hearing before said

County Board of Education, and the said Trustee shall have the right of appeal to the State Board of Education. The County Board of Education shall have power to fill, from time to time, all vacancies in the Board of Trustees. The School Trustees shall meet as a Board as soon and as often as practicable, and after having been appointed and qualified, at such place as may be most convenient in the district. At their first meeting they shall organize by electing one of their number Chairman of the Board, who shall preside at the official meetings of the Board, and another Clerk of the Board, who shall record their proceedings in a book provided for that purpose. Each member of the Board of Trustees shall be duly notified of all meetings of the Board by the Clerk of the Board: *Provided*, That the foregoing provisions of this section shall not apply to special and graded school districts created by special Acts; but that the Trustees and School Commissioners of all special and graded school districts shall remain the same in number, and shall be elected or appointed in the same manner, and shall hold the office for the same time as is provided for in the respective special Acts, except that in the special school districts, where the Trustees, or their successors, are appointed by the State Superintendent of Education under the provisions of the special Acts, the Trustees shall hold office until the first Tuesday in July, 1906, on which day, and on the same day every two years thereafter, the Trustees shall be elected by the qualified electors of such school districts: *Provided*, That special school districts having a population of not less than five thousand inhabitants, and in which the Boards are not fixed by special or specific legislation, may elect on the second Tuesday in January, 1904, and on the second Tuesday in January of any alternate year thereafter, nine Trustees, to constitute a Board in their respective districts: *Provided, further*, That three of the said Trustees to be elected at said election shall serve for a term of two years, three for a term of four years, and three for a term of six years; the term of each Trustee to be determined by lot, in the presence of the County Board of Education; and on the second Tuesday of January every two years thereafter three Trustees shall be elected to serve for a term of six years. The election of all Trustees for all such school districts shall be by ballot, and shall be conducted under the supervision of three qualified electors residing within the district, who shall be appointed by the County Board of Education, at least ten days prior to the holding of the election. The managers

shall report the result of the election to the County Board of Education within ten days thereafter, which Board shall commission the Trustees so elected. The Board of Trustees of each special or graded school district shall elect from their number a Chairman, who shall preside at their meetings, and a Secretary or Secretary and Treasurer, who shall record the proceedings of the Board, and who shall keep a full and accurate account of all moneys received and expended, showing the source and disposition of each item, and who shall make a complete itemized report of the receipts and disbursements of each scholastic year to the County Superintendent of Education on or before the fifteenth day of July of each year. The books and vouchers of the Secretary and Treasurer shall be open at all times to inspection by the public: *Provided, further,* That upon the petition of one-third of the qualified electors of School District No. 13, in Abbeville county, filed with the County Superintendent of Education on or before the first day of June in any year when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for School District No. 13 in the manner herein provided for in the election of Trustees of special school districts: *Provided, further,* That upon the petition of one-third of the qualified electors of any school district in Chesterfield and Oconee counties, except special and graded school districts created by special Acts, filed with the Superintendent of Education of said county on or before the first day of June in any year when School Trustees are to be appointed, the County Board of Education shall order an election to elect the Trustees for such school districts in the manner herein provided for the election of Trustees of special school districts.

1903, XXVI, 64; 1904, XXIV, 528; 1906, XXV, 31. Amended 1919.

Note.—Qualification of Trustee: He must have resided in county one year, and be a resident qualified elector and taxpayer in the school district. Attorney General's opinion, 1904, p. 40. He need not be a freeholder. Attorney General's opinion, 1904, p. 42.

There are to be three Trustees only, except where by a special provision of law provision is made for a larger number, see Attorney General's opinion, 1903, p. 1065. The terms of Trustees expire on the first Tuesday in July in alternate years, see Attorney General's opinion, 1903, p. 1066, 68. This section does not affect the election of Trustees in special districts created by special Act, except as expressly provided. Attorney General's opinion, 1903, p. 47-51.

School Trustees cannot hold any other office; for instance, Mayor, Alderman, City Clerk, etc. Attorney General's opinion, 1907, p. 106, 108, 105. If he accepts another office he may still act as Trustee until his office is declared vacant in a judicial proceeding, see Attorney General's opinion, 1905, p. 47. Two members, being a majority of the Board, can transact business, see Attorney General's opinion, 1906, p. 105. If the absent member has been notified of the time and place of meeting, see Attorney General's opinion, 1905, p. 47.

School Trustees may be removed by the County Board without preferring charges against them. Attorney General's opinion, 1905, p. 56.

School Trustees cannot hold office of Postmaster, nor Probate Judge. Attorney General's opinion, October 10, 24, 1912.

County Board may summarily remove Trustee. Attorney General's opinion, July 30, 1917.

§ 1753. Duty of Board of Trustees.—The Board of Trustees in each school district shall take the management and control of the local educational interests of the same, and shall visit each school district at least once in every school term, and shall be subject to the supervision and orders of the County Board of Education.

Civil 1902, § 1211; 1896, XXII, 165.

Note.—Bryson v. Daniel, 52 S. C. 201; Young v. Trustees, 64 S. C. 131.

§ 1754. Regular Session of Board of Trustees.—The Board of Trustees shall hold a regular session in their school districts at least two weeks before the commencement of any or every school term for the transaction of any and all business necessary to the prosperity of the schools, with power to adjourn from time to time and to hold special meetings at any time or place when called upon by the Chairman or any two members of the Board.

Civil 1902, § 1212; 1896, XXII, 165.

§ 1755. Power to Sell School Property.—The School Trustees of the several school districts are authorized and empowered to sell school property, real or personal, in their school districts whenever they deem it expedient to do so, and to apply the proceeds of sale or sales to the school fund of the district wherein such sale is made: *Provided*, That the consent of the County Board of Education be first obtained by the Trustees desiring to make such sale. That it shall be the duty of the said Board of Trustees, within thirty

days after said sale, to enclose a report of the same to the County Board of Education, setting forth the terms and amount of said sale.

Note.—As to schoolhouses and custody of school property under Secs. 1755-61-38, see Attorney General's opinion, January 8, 1915.

Civil 1902, § 1213; 1896, XXII, 165.

Note.—In the case of the State v. Elliott, 94 S. C. 35, a School Trustee was convicted of misconduct in office for using the school funds to erect a building on the lands of his wife and then failing and neglecting to secure good title to the district.

As to power to sell schoolhouse, see Attorney General's opinion, January 10, 1918.

Trustees cannot mortgage property. Attorney General's opinion, July 18, 1917.

§ 1756. Transfer of Pupils — When and How Made.—

When it shall so happen that persons are so situated as to be better accommodated at the school of an adjoining district, whether special or otherwise, the Board of Trustees of the school district in which such persons reside may transfer such persons for education to the school district in which such school is located; and the Trustees of the school district where the school is located shall receive such persons into the school as though they reside within the district: *Provided*, That children shall not be transferred from a school district in one county to a school district in an adjoining county without the consent of the Board of Education of the respective counties in which the transfer is made: *Provided, further*, That if any taxpayer pays taxes in two or more counties he shall have the right to send his children to the school of any one of said counties: *Provided, further*, That if any pupil go from his home school district and attend school in another district without having been first legally transferred by the action of the Board of Trustees of the district wherein he resides his enrollment shall be counted in the district in which he resides.

Civil 1902, § 1214; 1896, XXII, 165; 1912, XXVII, 619. Amended 1919.

Note.—As to the transfer of pupils from one school to another, see Attorney General's opinion, January 31, 1913, May 2, 1913, April 29, 1915. For direction as to enrollment, see *Ante*, Sec. 1715. The transfer is only authorized between adjoining districts. Attorney General's opinion, 1903, 1069. Scholars from one district are not entitled to free tuition in another district unless transferred under this section, see Attorney General's opinion, 1906, p. 103. They cannot be received as free pupils without such transfer, see Attorney General's opinion, 1904, p. 37. The order

making the transfer may be reviewed by the County Board of Education on appeal. Attorney General's opinion, 1905, pp. 50, 54. It is too late to appeal after both district boards have acquiesced in the transfer. Attorney General's opinion, 1904, p. 36.

§ 1757. Reports of Teachers—How and to Whom Made.

—Each school teacher shall make out and file with the Clerk of the Board of Trustees, at the expiration of each school month, a full and complete report of the whole number of pupils admitted to the school during each month, distinguishing between male and female, the average attendance, the branches taught, the number of pupils engaged in studying each of said branches, and such statistics as he or she may be required to make by the County Board of Education: *Provided*, That whenever a teacher is unavoidably prevented from filing said report at the expiration of any school month, the Board of School Trustees may have authority to receive the report within a reasonable time thereafter if in their opinion the reasons for the delay are good and sufficient. On the filing of the teacher's report, and its approval by the Board of Trustees, their Clerk shall draw an order in duplicate on the County Treasurer for the amount due such teacher, which shall be signed by the Board, which order, if accompanied by a copy of said monthly report and approved by the County Superintendent of Education, shall be countersigned by him and the duplicate filed in his office.

Civil 1902, § 1215; 1896, XXII, 165.

Note.—Pupils cannot be included in enrollment unless they have attended school at least ten days during the session, see Attorney General's opinion, 1905, p. 63. Separate pay warrants must be issued to each teacher. Attorney General's opinion, 1904, p. 44. And salaries are to be paid only for the term the public school runs. Attorney General's opinion, 1903, p. 1076.

§ 1758. Claims Against Fund—How and By Whom Signed.

—All claims, of every description whatsoever, which are chargeable against the fund raised for the support of the free public schools of the State, except such as are otherwise provided for by law, must be signed by at least a majority of the Board of Trustees of the school district against which the claims are chargeable; and the correctness and legality of the same shall be sworn to and subscribed by the person presenting such claim before it shall be approved by the person or persons authorized by law to give such approval. School Trustees and County Superintendents of Education

tion shall, free of charge, administer oaths to persons presenting the claims contemplated by this section.

Civil 1902, § 1216; 1896, XXII, 165.

Note.—Approval of claim is not compellable by mandamus. *Williams v. Hires*, 51 S. C. 388. The indorsement of approval need not be under official seal. *State v. Morton*, 51 S. C. 323. A school district is a part of the county's territory, divided off by the County Board of Education, for taxation for school purposes. *Gallishaw v. Jackson*, 99 S. C. 342.

§ 1759. All School Warrants to Be Approved by County Superintendent of Education.—Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the county in which said warrant is drawn.

1909, XXVI, 132.

Note.—Mandamus will not issue to compel the County Superintendent to approve a warrant where it does not appear that the County Treasurer has sufficient funds to pay it. *Rouse v. Benton*, 100 S. C. 150.

§ 1760. Trustees Not to Receive Pay as Teachers.—It shall be unlawful for a School Trustee to receive pay as a teacher of a free public school.

Civil 1902, § 1217; 1896, XXII, 165.

§ 1761. Powers and Duties of School Trustees.—The Board of Trustees shall also have authority, and it shall be their duty:

1. To Provide Schoolhouses.—To provide suitable schoolhouses in their districts, and to make the same comfortable, paying due regard to any schoolhouse already built or site procured, as well as to all other circumstances proper to be considered so as to best promote the educational interests of their district.

2. To Employ and Discharge Teachers.—To employ teachers from those having certificates from their County Board of Examiners or from the State Board of Education, and fix their salaries, and to discharge the same when good and sufficient reasons for so doing present themselves, subject to the supervision of the County Board of Education.

Qualification of Teacher.—No general or special School Trustee shall hereafter employ any teacher who has not a certificate to teach in the free public schools of the State. This provision, how-

ever, not to affect the employment of any teacher now teaching in any of the schools of the special school districts: *Provided, further,* That the Trustees of any such school shall always have the right and power to impose any additional examinations and qualifications they may deem proper before or after employing any teachers: *Provided, also,* That all funds of the free public schools of the State other than those arising from the special levy of special school districts shall be paid out of the county treasury upon warrants duly vouch'd by the School Trustees of the respective schools or school districts or otherwise as provided by the laws governing any special school district.

3. To Suspend or Dismiss Pupils.—To suspend or dismiss pupils when the best interests of the schools make it necessary.

4. To Call Meetings for Consultation.—To call meetings of the qualified electors of the district for consultation in regard to the school interests thereof; at which meetings the Chairman or other member of the Board shall preside, if present.

5. To Control School Property.—To take care of, manage and control the school property of the district.

6. To Visit the Schools.—To visit the free public schools within their district from time to time, and to take care that they are conducted according to law and with the utmost efficiency.

7. Ferriage of Trustees.—They shall be allowed to cross all bridges or ferries free of charge when they are traveling on official business.

Civil 1902, § 1218; 1896, XXII, 165.

Note.—Location of schoolhouse site by Trustees is subject to review by the County Board of Education. *Sligh v. Bowers*, 62 S. C. 409; *Young v. Trustees*, 64 S. C. 131. See also Attorney General's opinion, 1904, p. 26. Trustees cannot charge pupils incidental fees. *Younger v. Trustees*, 64 S. C. 131. The teacher elected must be one having a certificate. Attorney General's opinion, 1904, p. 43, and cannot be elected for a longer term than that of the Trustees electing. Attorney General's opinion, 1901, p. 43, also opinion, 1916. The Trustees cannot employ a superintendent to visit and supervise the work of the schools in their district. Attorney General's opinion, 1904, p. 44. The power granted Trustees under this section is subject to the supervision and orders of the County Board of Education. *Bryson v. Daniel*, 52 S. C. 201. As to authority of Trustees to suspend or dismiss pupils when the best interest of the school makes it necessary, and their duty to provide separate schools for children of different races, see *Tucker v. Bleasie*, 97 S. C. 303. Trustees are charged by law with the duty of erecting schoolhouses so as to

promote the educational interests of their districts and cannot by contract divest themselves of the right to so exercise their judgment. *Ex parte Surratt*, 103 S. C. 525; *Surratt v. Cash*, 103 S. C. 531.

Repairs to school buildings can be most advantageously made when the school is not in session and are usually made at such time to avoid interference with school work. *Walker v. Sawyer*, 104 S. C. 342. As to power of Board of Trustees to make contracts effective beyond their own terms of office, see *Rouse v. Benton*, 100 S. C. 150. As to payment of teachers' salaries under subdivision 2, see Attorney General's opinion, November 19, 1914. As to election of teachers related to Trustees, see Attorney General's opinion, August 13, 1915. As to power of Trustees to contract with teachers for services beyond the term of Trustee so contracting, see Attorney General's opinion, July 5, 1916. Power of Trustees must be exercised subject to supervision of County Board of Education, see Attorney General's opinion, August 22, 1916. Number of hours which a school teacher would work per day is within the discretion of the Trustees, see Attorney General's opinion, January 31, 1913. A School Trustee may be indicted, after he has gone out of office, for misdemeanors and violations of law committed by him while holding office of School Trustee. *State v. Elliott*, 94 S. C. 35.

§ 1761a. All Public School Buildings to Be Insured by the Sinking Fund Commission.—All insurance of public school buildings and on the contents thereof, whether such buildings are held and operated under the general school laws or laws applicable to special school districts only, shall be carried by the Sinking Fund Commission, upon the expiration or cancellation of existing policies, and upon all new insurance.

§ 1761b. Officers Having Custody of Such Buildings to Insure as Provided Herein.—The proper officer, official or officials, or Trustees having by law the care and custody of State and county buildings and of public school buildings, shall insure such buildings under the provisions herein set forth, whether such buildings have been heretofore insured or not.

§ 1761c. State Superintendent and County Superintendent to Furnish List of Buildings.—The State Superintendent of Education and the County Superintendent of Education of the several counties of the State shall furnish to the Sinking Fund Commission, on request, a complete list showing the location of each and every school building in their county, the number of the school district in which said buildings are located and the names and addresses of the Trustees having the building in charge.

§ 1761d. Premium Rate.—All insurance carried by the Sinking Fund Commission, as provided for in this Act, shall be carried

at the same premium rate which, in the judgment of the Sinking Fund Commission, would be charged by reliable old line insurance companies for carrying this insurance: *Provided*, That should the said old line insurance companies increase or decrease their rates, the Sinking Fund Commission shall not be required to follow such change in rates, if in their judgment the change is not justified.

§ 1761e. Payment of Premiums.—The premium on all policies of insurance issued by the Sinking Fund Commission shall be paid by the officer, official or Trustee having the property insured under their care and custody upon demand of the Sinking Fund Commission, and in the event that there be no funds on hand with which to make said payment when demand is made, then payment shall be made out of the first funds available for such institution, county, or school district, and until paid the premium due the Sinking Fund Commission shall be a preferred claim: *Provided*, That the Sinking Fund Commission may charge interest at the rate of five (5%) per cent. per annum on all amounts due and unpaid as premium on policies issued

§ 1761f. Sinking Fund Commission to Reinsure School Property.—The Sinking Fund Commission shall reinsure, upon terms which the Commission may deem most advantageous in reliable insurance company or companies, such portion of their insurance liability as is commensurate with the principles of safe underwriting, and shall, from time to time, prescribe such rules and regulations as may be necessary in placing and handling this reinsurance.

§ 1761g. Disposition of Funds from Premiums.—All funds paid over to the Sinking Fund Commission as premiums on policies of insurance, and all money received from interest on loans and deposits, and from any other source, connected with the insurance of public property provided for herein, shall be held by the Sinking Fund Commission as an insurance sinking fund for the purpose of paying all fire losses for which they are liable, and the expenses necessary to the proper conduct of said insurance of public property by the Sinking Fund Commission, and shall be invested by them as are other funds in their hands: *Provided*, That when the insurance sinking fund herein provided for reaches the sum of one million (\$1,000,000.00) dollars, no further premiums shall be paid until a part of such fund has been used in the payment of losses and expenses, and in that event the premiums of insurance shall be

again paid as provided herein until the fund again reaches the sum of one million (\$1,000,000.00) dollars.

§ 1761h. How Insurance Effected.—The Sinking Fund Commission shall notify the officers, officials or Trustees having the care and custody of the buildings insured under the provisions of this Act, in writing, in advance of the expiration of policies of insurance on such buildings, and the officer, official or Trustees so served with written notice shall immediately make application to the Sinking Fund Commission for the renewal of said insurance, and shall forward with their application the amount of premium due the Sinking Fund Commission on the insurance applied for: *Provided*, That in the event no funds are available with which to pay the premium at the time application is made the officer, official or Trustees making application shall so state, and the amount, with interest, shall be paid by them out of the first funds available, as provided in Section 6 (1761f) of this Act.

§ 1761i. Failure to Comply With This Act a Misdemeanor.

—Any officer, official or Trustees upon whom the duties provided in this Act devolve who fail or refuse to carry out the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, or imprisonment not less than ten nor more than thirty days.

§ 1761j. Valuation of Buildings.—The value of all buildings insured under the terms of this Act, as fixed by the policies of insurance on said buildings, and the value of all public buildings hereafter constructed shall be the actual cost of such buildings: *Provided*, That where it is desired to increase or decrease the value of any building insured under the terms of this Act, the value of the building or buildings shall be fixed by three appraisers, to be appointed and paid as provided in Section 15 of this Act. (See 1761l).

1761k. Amount of Insurance.—The amount of insurance to be carried on all the buildings and contents thereof, as provided herein, shall be fixed by the officers, officials or Trustees having such buildings in their care and custody: *Provided*, That the amount of insurance to be carried, as fixed by them, shall in no event exceed the value of the building and contents to be insured.

§ 1761I. Adjustment and Payment of Losses.—In the event of loss or damage by fire or lightning, the amount of such loss or damage to be paid by the Sinking Fund Commission shall be determined by three appraisers, one to be named by the Sinking Fund Commission, one by the officer, official or Trustees having the damaged or destroyed building in charge, and the two so appointed shall select the third. These appraisers shall file their written report with the Sinking Fund Commission and a duplicate copy with the insured. The cost of the appraisal shall be borne, one-half by the Sinking Fund Commission and one-half by the insured: *Provided*, That the amount paid by the Sinking Fund Commission, as fixed by the appraisers, shall, in the event the building so damaged or destroyed is a county building or a public school building, be paid over to the County Treasurer of the county in which the building is located, to be by said County Treasurer paid out as required by law, upon the proper warrant or order of the proper official or Trustee for the repair, restoration or rebuilding of the property damaged or destroyed; and in the event the property so damaged is State property, then the amount shall be paid over to the officer, official or officials having the property in their care and custody, to be expended by them for the repair, restoration or rebuilding of the property so damaged or destroyed.

§ 1761m. Inconsistent Acts Repealed.—All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Acts of 1918, p. 881. Amended 1919. See Acts.

§ 1762. Fund for Public School Buildings.—The County Boards of Education of the various counties of this State are authorized to annually set aside an amount equal to five per cent. of the entire public school funds of their respective counties, which said amounts shall be used by the said County Boards of Education for the purpose of encouraging and aiding in the construction of adequate public school buildings in their respective counties.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1763. Additions to Funds.—When the friends, patrons or Trustees of any public school in any school district in any county in this State shall raise by private subscription, special tax, regular tax, sale of old buildings, issuing bonds, or otherwise, funds for building a schoolhouse in such district, the County Board of Educa-

tion of such county shall turn over to the Trustees of such school, from funds set aside for such purpose hereunder, fifty (\$50.00) dollars for each one hundred (\$100.00) dollars so raised by such friends, patrons or Trustees for constructing such school building: *Provided*, No one school shall receive more than three hundred (\$300.00) dollars under the provisions herein: *Provided*, That in the case of the consolidation of two or more schools an additional bonus of fifty (\$50.00) dollars may be granted: *Provided, further*, That no more than one school in any one district, in any one year, shall receive such aid.

1905, XXIV, 905; 1910, XXVI, 628.

§ 1764. Consolidated Districts to Have Preference.—

County Boards of Education shall give the preference to school districts which have combined and consolidated two or more school buildings.

1905, XXIV, 905.

§ 1765. Must Comply With Plans of the State Board of Education.—Any school district availing itself of the provisions herein shall comply with plans and specifications approved by the State Board of Education.

1905, XXIV, 905.

§ 1766. Approval of County Board Necessary.—No school shall receive aid under the provisions herein without the approval of the County Board of Education.

1905, XXIV, 905.

§ 1767. How Funds Paid Out.—The funds provided for hereinabove shall be paid out by the County Treasurer only upon the warrant of the County Board of Education, countersigned by the County Superintendent of Education, and any funds not used by the end of the year shall revert back to the general school fund of the respective counties.

1905, XXIV, 905.

State Building Fund for Schools.

Note.—The annual appropriation bill carries an item of fifty thousand (\$50,000.00) dollars for public school buildings. This fund is disbursed upon the same basis as the extra county building aid authorized in Sections 1762-1767.

§ 1768. Tax Returns.—The County Auditor shall require each taxpayer to return the number and name of the school district in which he resides when he makes his tax return, and the Auditor shall state the name in a separate column in the tax duplicates.

Civil 1902, § 1219; 1896, XXII, 165.

§ 1769. Poll Tax, Etc., to Be Reported.—The County Auditor, when he has completed the tax duplicates, shall report to the County Superintendent of Education, by school districts, the names listed for poll tax, and the amount of taxable property where there is a special levy.

Civil 1902, § 1220; 1896, XXII, 165.

§ 1770. Poll Tax Retained in the County.—The several County Treasurers shall retain the poll tax collected in their respective counties; and it is hereby made the duty of the said Treasurer in collecting the poll tax to keep an account of the exact amount of said tax collected in each school district in his county, and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and, on conviction thereof, the said County Treasurer shall pay a fine of not more than five hundred dollars, to be used for school purposes in the county suffering from such violation, or imprisonment, in the discretion of the Court.

Civil 1902, § 1221; 1896, XXII, 165.

§ 1771. County Treasurer to Report Who Have Paid Poll Tax.—Each County Treasurer, when he has finished the collection of taxes for his county, shall report to the County Superintendent of Education the names of the persons in the respective school districts who have paid their poll tax.

Civil 1902, § 1222; 1896, XXII, 165.

§ 1772. Treasurer to Make Monthly Reports to County Superintendent of Education.—It shall be the duty of each County Treasurer to report monthly, on the fifteenth day of each month, to the County Superintendent of Education of his county, the amount of collections and disbursements made by him for the month on account of school tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof

he shall pay a fine of not more than five hundred dollars, the same to be used for school purposes in his county..

Civil 1902, § 1223; 1896, XXII, 165.

§ 1773. Moneys—How Disbursed.—All moneys disbursed by any County Treasurer on account of school funds, taxes or other school funds shall be paid on the order of the Board of School Trustees, countersigned by the County Superintendent of Education, or as otherwise directed by law.

Note.—Distinction between countersigning and drawing a warrant on school funds. *Ex parte Board of Commissioners, Florence Graded School; In re McDuffie, School Commissioner*, 43 S. C. 11.

Civil 1902, § 1224; 1896, XXII, 165.

§ 1774. County Treasurer to Make a Report to State Superintendent.—Each County Treasurer shall make out and forward to the State Superintendent of Education annually, on the first day of November, a certified statement showing (by school districts) the amount of poll tax and the amount of all other school taxes collected by him for the fiscal year ending on the thirty-first day of December next preceding; and should any County Treasurer fail or neglect or refuse to make and forward the statement as herein required, the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said Treasurer resides, who shall prosecute the said County Treasurer for the same, and on conviction thereof he shall be subject to a fine not more than five hundred dollars, the same to be used for free public school purposes in his county.

Civil 1902, § 1225; 1896, XXII, 165.

§ 1775. Unexpended Balances to Be Carried Forward.—The County Treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes, and unexpended, to the next fiscal year, and credit the same to the school district respectively for which it was apportioned, and he shall report the same to the County Superintendent of Education.

Civil 1902, § 1226; 1896, XXII, 165.

§ 1776. Unlawful for Certain Officers to Discount Teachers' Pay Certificates.—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education or School Trustee to buy, discount or share, directly or indirectly, or

be in any way interested in any teacher's pay certificate or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly, in any contract with any school district of which he is Trustee.

Civil 1902, § 1227; 1900, XXIII, 366.

Note.—See Criminal Code for penalty for violation of this section.

§ 1777. Trustees to Regulate the School Terms — Contracts of Trustees.—The County Board of Education shall regulate the opening and closing of the school terms so as best to promote and subserve the educational interest of the different sections of their counties: *Provided*, That all contracts which Boards of Trustees may make in excess of the funds apportioned to their districts shall be void. And no teacher shall be employed by a Board of Trustees of any school district who is related to a member of the Board by consanguinity or affinity within the second degree, without the written approval of the Board of Education of the county, nor unless a majority of the parents or guardians of the children attending the school for which such teacher is employed requests such employment in writing.

Civil 1902, § 1228; 1900, XXIII, 366.

Note.—Contracts in excess of funds are void, being beyond the power of the Trustees. *State v. Bowman*, 66 S. C. 153.

A petition should be signed by the parent as desiring the employment of a relative of a Trustee as teacher, and the approval of the County Board of Education should be indorsed thereon. Attorney General's opinion, 1905, p. 65.

The term "second degree" includes persons related as uncle and nephew or niece, first cousins and those nearer. Attorney General's opinion, 1904, p. 42.

After the petition, nomination or request in writing is submitted, it is for the Trustees to elect or not as they see proper. Attorney General's opinion, 1903, p. 1075.

Mode of computing relationship. Attorney General's opinion, July 30, 1917.

§ 1778. Age of Attendance.—It shall not be lawful for any person who is less than six nor more than twenty-one years of age to attend any of the free public schools of this State: *Provided, however*, That the maximum limit of twenty-one shall not apply to

night schools, and persons over that age may attend such night schools.

Civil 1902, § 1229; 1896, XXII, 170. Amended 1917, Acts 51.

Note.—Since the passage of the Act of 1913 permitting Trustees to establish free kindergartens this section has been modified to the extent of allowing children under six years of age to attend kindergartens established under the Act. Attorney General.

§ 1778a. Kindergarten Schools Established.—Any County Board of Education throughout the State, upon recommendation of district Trustees, whether known by that name or another, whether created by general or special Act, shall have power to establish and provide for kindergartens for the education of the children of not less than four years of age within their respective jurisdictions, but no child under the age of six years shall be counted in the average attendance of any public school district when public school funds are to be apportioned to the several school districts.

§ 1778b. Said kindergartens, when so established, shall be a part of the free common school system of this State, and all funds now available, or which may hereafter become available, for the maintenance of said system, and all other funds which may come into the hands of said Boards of Education for educational purposes shall be available, in due proportion, for the establishment and maintenance of said kindergartens.

§ 1778c. Equipment of Teachers.—No teacher or instructor shall be employed to teach in the kindergartens of this State who has not taken at least a two years' course in kindergarten training and received a certificate or diploma from a recognized kindergarten normal training school approved by the State Board of Education.

§ 1778d. Counties Excepted.—All laws and parts of laws in conflict with this Act be, and the same are hereby, repealed: *Provided, however,* That the terms of this Act shall not apply to the counties of Sumter, York, Greenwood, Bamberg, Abbeville, Saluda, Lee, Aiken, Jasper, Chesterfield and Williamsburg.

Acts 1913.

§ 1779. State and County Boards and Trustees Exempted from Militia Duty.—The members of the State Board of Education appointed by the Governor, members of the County Boards of

Education appointed by the State Board of Education and members of the Board of Trustees shall be exempt from militia duty.

Civil 1902, § 1230; 1896, XXII, 170; 1901, XXIII, 638.

Note.—School Trustees and teachers employed in public schools are exempted from liability to work on the public roads. 24 Stats. 874.

See Criminal Code for penalty for members of County Boards of Education and School Trustees attempting to act after expiration of their term, or removal from office; and for teachers acting as agent for school books.

§ 1780. Mixed Schools Unlawful.—It shall be unlawful for pupils of one race to attend the schools provided by Boards of Trustees for persons of another race.

Civil 1902, § 1231; 1896, XXII, 170.

Note.—Flood v. News and Courier Company, 71 S. C. 112.

§ 1781. Scholastic Year.—The scholastic year shall begin on the first day of July of each year and end on the thirtieth day of June following.

Civil 1902, § 1232; 1896, XXII, 170.

§ 1782. Public Schools to Be Kept Open Three Months.—

The free public schools of the State shall be kept open and the exercises thereof continued, in each school district in the State, for a period of at least three months in each and every year.

Civil 1902, § 1233; 1899, XXIII, 112.

§ 1783. Appropriation to Increase School Terms.—Not less than the sum of sixty thousand dollars be appropriated annually for the purpose of increasing the average length of the free school term in this State in accordance with and by authority expressed in Section 6, Article XI of the Constitution of 1895.

1910, XXVI, 791.

§ 1784. Same.—No more than one hundred dollars shall be appropriated to any one school in any one scholastic year, but no school now running for a period of one hundred days or more, or hereafter to run a period of one hundred days or more, out of funds accruing to said schools from the regular school funds shall receive aid from this appropriation. And no school shall receive aid under authority of this section unless the district in which said school is

located does now, or hereafter shall, first levy, in accordance with law, at least two mills special school tax.

1910, XXVI, 791.

§ 1785. Same.—Schools running less than one hundred days, as provided herein, may receive aid from this fund in amounts equal to the amounts raised by special taxation, not to exceed one hundred dollars for any one school.

1910, XXVI, 791.

§ 1786. Same.—Funds appropriated under the terms of this section shall not become available in any school district except upon petition of the Board of Trustees of the school district asking aid, approved and countersigned by the County Superintendent of Education for the county in which the district is located.

1910, XXVI, 791.

§ 1787. Same.—The State Superintendent of Education may refuse aid under the provisions of this section if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

1910, XXVI, 791.

§ 1788. Same.—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall advise such regulations to the various County Superintendents of Education, who, in turn, shall advise the various district Trustees.

1910, XXVI, 791.

§ 1789. Same.—Applications must be filed in order of their receipt, and paid or refused in the same order.

1910, XXVI, 791.

§ 1790. Annual Capitation Tax on Dogs.—There shall be imposed and assessed on all dogs in this State a capitation tax of fifty cents annually on each dog, except in the county of Horry, where said capitation tax shall be one dollar, the proceeds of which shall be expended for school purposes in the several school districts in which it is collected.

1909, XXVI, 88.

§ 1792. Acts Creating Special Graded School Districts Not Repealed—Annual Reports—Special Tax and Tuition.

—Nothing contained in this Article shall be construed to repeal the Acts of the General Assembly creating special and graded school districts, and the provisions of said Acts shall apply to said school districts: *Provided*, That the Trustees of said school districts and Commissioners of the city schools of Charleston shall make annual reports to the State Superintendent of Education in such form and at such time as he shall prescribe: *Provided, further*, Whenever under the provisions of law any school district or municipal corporation is authorized to levy a special tax for the support of public schools therein, any person not a resident of said school district or municipal corporation shall be entitled to a credit upon fees for the tuition of his or her children by the amount of such special tax paid by such person.

Civil 1902, § 1238; 1899, XXII, 514.

§ 1793. Textbooks Provided at Cost—Funds—Depositories, Etc.—The County Boards of Education of the several counties of this State are hereby authorized and required to set aside from the public school funds of their respective counties an amount, not exceeding five hundred dollars, for the purpose of providing the pupils attending the free public schools of their counties with school textbooks at actual cost or exchange prices. The amount so set aside from the school fund shall be paid to the County Superintendent of Education by the County Treasurer out of the unappropriated general school funds in his hands, on the warrant of the said County Board of Education, and shall be and remain a permanent fund in the hands of the County Superintendent of Education, to be used in purchasing and keeping on hand school textbooks for sale to pupils attending the free public schools of his county for cash, at actual cost or exchange prices, and to be used for no other purpose and in no other manner; and the places where said school textbooks are kept and sold shall be deemed depositories, under control of the State, as provided in the seventh Article, or provision in the seventh Article, or provision in the contract made in 1893 with the publishers of school textbooks. That the County Superintendent of Education in every county in the State be, and is hereby, required to keep his office open each day of the week prior to the time appointed for school to open in his county, and for one week immediately thereafter, and for at least one day in each week during the remainder of

the school term, for the convenience of those wishing to purchase books: *Provided*, That in the counties of Charleston, Chesterfield, Edgefield, Kershaw, Lancaster, Laurens, Greenwood, Lexington, Richland and Abbeville the County Boards of Education are hereby authorized and empowered, but not required, to carry out the provisions of this section: *Provided, however*, That nothing herein shall prevent the keeping of said depository in some other place than the office of the Superintendent of Education, if in his judgment it is best to do so.

Civil 1902, § 1239; 1897, XXII, 428; 1898, XXII, 762; 1902, XXIII, 1020; 1903, XXIV, 64; 1905, XXIV, 837; 1907, XXV, 481; 1908, XXV, 1123.

§ 1794. School Trustees May Purchase Books for Certain Pupils.—Whenever it shall be made to appear to the satisfaction of the Trustees of any school district that any patron of such school is unable by reason of poverty to purchase the necessary books for the use of his or her child or children, then in such case the Trustees of such school district may, in their discretion, purchase such necessary books for such pupils, and furnish the same to pupils under such regulations as the Trustees may prescribe: *Provided*, The sum so expended for the purchase of said books shall not exceed the sum of five per cent. of all the school fund of said district in any one year: *Provided, further*, That the books so purchased shall be the property of such public school district and must be returned to the Board of Trustees at the end of each term.

1902, XXIII, 1020.

§ 1795. School Book Depositories.—The County Superintendents of Education in the several counties of this State are hereby authorized and required to select and secure a reliable merchant, postmaster or other reliable person in each township in each county, with whom there shall be deposited a sufficient number of school books for sale for schools in the township, at not exceeding ten per cent. above first cost; and that accurate accounts thereof shall be kept by the said County Superintendent with each depository.

1905, XXIV, 877.

§ 1796. Fund for Free Libraries.— Whenever the friends and patrons of a public school raise, from public subscription or otherwise, a sum of not less than five (\$5.00) dollars nor more than

twenty-five (\$25.00) dollars, and deposit same with the County Treasurer to the credit of their school district, the County Board of Education, through the County Superintendent of Education, shall credit such district with an equal amount, to be drawn from the County Board fund, or if the said County Board fund has been exhausted, to be drawn from the general school fund of the county. The County Superintendent shall then make application to the State Superintendent for an amount equal to the sum raised, by private subscription or otherwise, and deposit with the County Treasurer. All the money resulting from private subscription or otherwise, from county funds, or from State funds, shall be held in the county treasury to the credit of the school district and shall be paid out upon the warrant of the Board of School District Trustees, duly approved and countersigned by the County Superintendent of Education: *Provided*, That nothing herein shall prevent other funds greater than those mentioned herein being raised by private subscription and applied by the County Superintendent of Education to the purposes as herein set forth.

§ 1797. How Funds to Be Expended.—The funds provided under Section 1 shall be expended only for the establishment of a library, for the enlargement of a library, or for the purchase of supplementary readers to be kept in the school library. Any free public school in this State shall be entitled to participate in this fund not more than once during any fiscal year. The State Board of Education shall select and publish a list of library books, and also a list of supplementary readers, and shall make all necessary rules and regulations concerning the use and care of libraries. The Trustees or teacher of any school receiving the benefits of this Act shall file, both with the County Superintendent of Education and with the State Superintendent of Education, a correct and legible list of books purchased.

§ 1798. State Aid—How Secured.—Any school planning to establish a library and needing a bookcase may secure twelve and fifty one hundredths (\$12.50) dollars from the State for the purchase of said bookcase whenever the friends and patrons of such a school raise, from private subscription or otherwise, and deposit with the County Treasurer, twelve and fifty one hundredths (\$12.50) dollars to the credit of their school district. But no school shall be entitled to a second payment of State aid for the purchase of book-

cases, except after a full and satisfactory showing, in writing, has been made to the State Superintendent.

§ 1799. Appropriation for Fund.—To carry out the purpose of this Act, the sum of five thousand (\$5,000.00) dollars is hereby annually appropriated.

§ 5. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Note.—Sections 1796, 1797, 1798, 1799, 1800, 1801, 1802 and 1803 of the Code of 1912 were repealed by the General Assembly in 1919. The new sections above, numbered 1796, 1797, 1798 and 1799, constitute the amended library Act and are substituted for the repealed sections.

§ 1804. Unlawful to Use Condemned Books.—In all schools and colleges within this State which are supported in whole or in part from the free school funds it shall be unlawful to use any textbook which has been condemned or disapproved by the State Board of Education.

Civil 1902, § 1240; 1898, XXII, 763.

§ 1805. Old School Claims Paid.—All persons holding school claims against any county of this State which are unpaid are hereby permitted and allowed to prove and establish the same before the County Superintendent of Education, the County Treasurer and County Auditor of said county.

If said claims are declared valid and binding obligations by said County Superintendent of Education, Auditor and Treasurer against the school district for which they are issued, the County Treasurer of said county is hereby authorized and directed to pay any of said claims declared valid out of the first money coming in his hands as treasurer belonging to the school district against which said claim or claims are established.

Civil 1902, § 1241; 1894, XXI, 786; 1896, XXII, 122.

§ 1806. Officers Authorized to Borrow Money to Pay School Claims—Amount, Interest and Disbursement.—The County Treasurers and the County Supervisors of the several counties of this State be, and they are hereby, authorized and required, upon the application of the County Boards of Education of the respective counties, to borrow, from time to time during any fiscal year, such sums of money as may be necessary to pay the school claims of such counties, not to exceed seventy-five per cent. of the amount reported by the County Auditors for schools for said fiscal

year, at a rate of interest not exceeding the rate of seven per centum per annum, and to pledge the taxes to be collected for that purpose for the payment of the money so borrowed and the interest thereon: *Provided*, That all money borrowed shall be held and paid out by the County Treasurer as school funds and without extra commission.

1902, XXIII, 1019.

§ 1807. Reserve Fund to Place Schools on Cash Basis.—

In any county in this State where the schools have not funds sufficient to pay all claims in cash, the County Board of Education may, at its discretion, direct the County Superintendent of Education to set aside from the school funds of the county, or any of the school districts, an amount annually of not exceeding ten per cent. of such funds, for so many years as may be necessary to create a sufficient fund to put the schools of such county or any of the school districts on a cash basis.

1902, XXIII, 1019.

§ 1808. Reserve Fund — How Used and Maintained.—

Whenever said reserve fund reaches an amount sufficient to put said county or school district, as the case may be, on a cash basis, then said fund may be used for said purpose: *Provided*, That in each year during the time necessary to create such reserve fund the County Superintendent of Education shall use the fund accumulated as a loan, without interest, to pay claims held by teachers to whom the pay certificates were originally issued, the funds so used to be replaced annually from taxes collected for school purposes.

1902, XXIII, 1020.

§ 1809. Students of Public Schools to Observe Arbor Day.

—The free public schools of this State shall observe the third Friday in November of each year as Arbor Day, and on that day the school officers and teachers shall conduct such exercises and engage in the planting of such shrubs, plants and trees as will impress on the minds of the pupils the proper value and appreciation to be placed on flowers, ornamental shrubbery and shade trees.

Civil 1902, § 1242; 1898, XXII, 760.

§ 1810. South Carolina Day to Be Observed.—The public schools of this State shall observe Calhoun's birthday, the 18th of March, of each year, as "South Carolina Day," and on that day the school officers and teachers shall conduct such exercises as will con-

duce to a more general knowledge and appreciation of the history, resources and possibilities of this State: *Provided*, That if said day shall fall on Saturday or Sunday, that the Friday nearest to March 18th shall be selected: *Provided, further*, That if any school shall not be in session the said date, that the celebration may be held before the close of the term.

That the State Superintendent of Education shall suggest such topics or programs as he may deem appropriate for the celebration of South Carolina Day.

1906, XXV, 22.

§ 1811. Officers and Trustees of Certain Institutions to Report to State Superintendent.—The Trustees, officers or persons in charge of all literary, scientific or professional institutions of learning incorporated, supported or aided by the State, of all schools or private educational institutions, shall, on or before the fifteenth day of July in each year, make a report in writing to the State Superintendent of Education of such statistics as the Superintendent shall prescribe relating to the number of pupils and instructors, courses of study, cost of tuition and the general condition of the institution or school under their charge.

Blank Forms of Inquiry.—The Superintendent shall prepare blank forms of inquiry for such statistics, and shall send the same to every such institution or school on or before the tenth day of May in each year; and so much of said information as he may deem proper to be incorporated in his annual report.

Civil 1902, § 1243; 1896, XXII, 172.

§ 1811a. Uniform System of Blanks to Be Provided.—The Comptroller General, the State Superintendent of Education, the State Treasurer and the State Bank Examiner are hereby authorized, empowered and directed to co-operate in the preparation of a single and uniform system of blanks to be used by these State officials in collecting data from the various County Auditors, County Superintendents of Education, County Treasurers and other county officers who are now required by law to make reports to the State Governor. The various State officials shall issue, as far as practicable, identical forms in requesting data from county officers, thereby removing the necessity for needless and laborious tabulation and compilation of the same facts in different reports. Each

State official shall distribute the blanks for his office among the county officers as now required by law.

Acts 1919.

§ 1811b. County Officers to Report.—It shall be the duty of the County Auditors, County Treasurers and County Superintendents of Education to make all reports now required by law promptly upon the uniform blanks authorized in Section 1, and these reports shall at all times be open to public inspection during their respective office hours, and the State Bank Examiner shall investigate the failure, refusal or omission of any officer to make such report at such time as is now required by law. The findings of the State Bank Examiner, after such investigation, shall be filed with the Clerk of Court for record and shall be open to inspection by any citizen.

§ 3. Any and all Acts or parts of Acts inconsistent with this Act are hereby repealed. This Act shall take effect upon its approval by the Governor.

Acts 1919.

§ 1812a. District May Establish High School.—That the Board of Trustees of any school district acting singly or in co-operation with the Boards of Trustees of adjoining school districts may establish and maintain a high school, with the privileges herein granted: *Provided*, That such high school meets all the requirements of this Act and the regulations of the State Board of Education.

§ 1812b. Trustees May Establish High School—Co-operating Districts.—That if a single school district establish a high school, the Board of Trustees of such district shall be the High School Board of Trustees; and if any two or more districts establish a high school, the Board of Trustees of the district wherein the high school is located, together with the Chairman of each of the co-operating districts, shall constitute the High School Board of Trustees.

§ 1812c. Board of Trustees—Who Shall Constitute.—That if three or more adjoining school districts, none of which contains an incorporated town of five hundred inhabitants according to the last preceding census, shall co-operate to establish a centralized high school, the Chairman of the several co-operating districts shall constitute the Board of Trustees for the centralized high school.

§ 1812d. High Schools in Being May Claim Benefits of This Act.—That any public high school already established may claim the privileges of this Act: *Provided*, That it conforms to the requirements of this Act and the regulations of the State Board of Education: *Provided, further*, That nothing in this Act shall be construed to repeal any of the privileges granted special legislative districts in the special Acts of the General Assembly.

§ 1812e. Powers of State Board of Education.—That the State Board of Education shall have full authority to prescribe all such regulations as may not be inconsistent with this Act and with the General School Law, to provide for the inspection and classification of the high schools under this Act, to make regulations for the apportionment and disbursement of the State appropriation under this Act, and to pay out of the State appropriation the salary and traveling expenses of a High School Inspector.

§ 1812f. Conditions of Appropriation.—That no high school shall receive an appropriation under this Act unless it has as many as two teachers in the high school department, and an enrollment of at least twenty-five high school pupils: *Provided*, That not more than six hundred and seventy-five dollars annually may be given to a high school with two teachers, nor more than eight hundred and twenty-five dollars to a high school with three teachers, nor more than nine hundred and seventy-five dollars to a high school with four teachers or more: *Provided, further*, That an additional stipend of five dollars per month may be paid any high school teacher returning for a second year's service, and a further additional stipend of five dollars per month for a third year's service: *Provided, further*, That the apportionment to a centralized high school, organized under Section 3 above, may be doubled in the discretion of the State Board of Education.

§ 1812g. High School Must Levy Not Less Than Four Mills—Other Conditions.—That any high school receiving aid under this Act shall first levy for current support a special tax of not less than four mills, which tax may be in addition to the eight-mill tax allowed under Section 1742 of the Code; and shall enroll free any eligible high school pupil, the child or ward of any citizen of the State; that any pupil enrolled from outside the high school district shall be liable to no fee or charge; that if the enrollment in any high school exceeds fifteen pupils per teacher, such high school

district may be paid by the State Board of Education three dollars per month to cover all tuition and other charges for any pupils attending such high school, but not residing within the high school district: *Provided*, That there is no high school in the district wherein such pupil resides.

§ 1812h. Teacher Training Courses—Provisos.—That the State Board of Education is hereby authorized to establish and maintain not more than ten teacher-training courses of one year in length in as many approved high schools for the purpose of giving training to elementary teachers: *Provided*, That not more than one such course may be established in any one county, and not more than twelve hundred dollars may be expended in any one school for such course: *Provided, further*, That no such training course shall be maintained with an enrollment of fewer than ten persons, none of whom shall be less than seventeen years of age, and no tuition fees shall be charged any teacher from any county.

§ 1812i. Appropriation.—That, to carry out the purposes of this Act during the scholastic year 1918 and 1919, and for each succeeding year, the sum of one hundred thirty thousand dollars be, and the same is hereby, appropriated; and any and all payments shall be made upon the warrant of the Comptroller General, and all disbursements shall be in accordance with the order of the State Board of Education, approved and countersigned by the State Superintendent of Education.

That any and all Acts or parts of Acts inconsistent with this Act shall be, and the same are hereby, repealed.

Acts 1919.

§ 1813a. Appropriation for Teaching Agriculture.—To promote the teaching of agriculture in the public schools, there is hereby annually appropriated out of the State treasury ten thousand (\$10,000.00) dollars to be expended as hereinafter provided by the State Superintendent of Education in consolidated schools doing practical classroom and field work in agriculture.

§ 1813b. Prerequisites to Securing Teaching—Qualifications of Teacher—Duties—State Aid.—Whenever the Board of Trustees of three or more school districts shall raise from regular funds, local taxes, private subscription or otherwise and shall deposit with the County Treasurer not less than seven hundred and fifty (\$750.00) dollars, to be expended by the County Board of

Education, upon their warrant duly approved by the County Superintendent, for the teaching of agriculture in their respective districts, such group of districts shall be entitled to seven hundred and fifty (\$750.00) dollars, and not more than twelve hundred and fifty (\$1,250.00) dollars, from the State or supplied by the State, to be used to pay the salary of a man who shall be a graduate in agriculture of a State agricultural college, or a college graduate versed in agriculture, who shall be employed for a term of at least three years, who shall devote full time to classroom instruction in agriculture, farm school garden or school orchard or in any other line of agricultural teaching or educational activity needed in the territory composing the districts. Such trained agricultural teacher shall be employed jointly by the County Superintendent of Education, the State Superintendent of Education and the State Supervisor of Agricultural Instruction, and may serve as superintendent or principal of the group of co-operating schools, shall reside during the twelve months of the year in the territory he serves, shall possess all of the scholarship requirements demanded of other teachers, shall hold a valid certificate duly registered in the County Superintendent's office, and shall be subject to the supervision of the State Supervisor of Agricultural Instruction, who shall be a specialist in agricultural education, to be elected by the State Board of Education. He may do teacher training work in Clemson Agricultural and Mechanical College, as may be agreed upon by the State Superintendent of Education and the president of the college. The teacher of agriculture in schools included under this Act shall make all reports required of public school teachers, and in addition thereto shall furnish such other special reports as may be required in his special field by the chief of the extension forces of Clemson College, such report to be made in triplicate, one copy to be filed with the County Superintendent of Education, one copy with the State Superintendent of Education and one copy with the State Supervisor of Agricultural Instruction: *Provided*, That if any one school district shall raise by taxation, private subscription or otherwise at least seven hundred and fifty (\$750.00) dollars, such school shall be entitled to receive two hundred and fifty (\$250.00) dollars State aid: *Provided, further*, That if any two school districts shall so raise seven hundred and fifty (\$750.00) dollars, such schools shall receive five hundred (\$500.00) dollars State aid under the provisions of this Act.

§ 1813c. Conditions Required of Schools—School Farm—

Courses of Instruction.—Any public school co-operating in this work shall have an enrollment of at least fifty pupils, with a regular attendance of at least thirty pupils, two or more teachers of the usual public school subjects, a term of six months, a local tax of not less than four mills, a comfortable and sanitary building of at least two rooms, a school farm of not less than two acres, in addition to school site, the minimum equipment prescribed by the State Board of Education, and shall use the textbooks and course of study regularly required of other public schools. The said school farm of two or more acres shall be secured by the Trustees of the school district in which the school is located, and shall be cultivated under the supervision of the agricultural teacher, who may require this cultivation to be done, so far as may be practicable, by the pupils being taught agriculture in such school; the proceeds from sales of crops grown on said farm may be used to defray the expenses of the said farm; the surplus, if any, may revert to the school district or be disposed of as may be directed by the Trustees of the said school district. The special lessons or course in agriculture may be adapted to the community needs as recognized by the agricultural teacher, and such teacher shall have full right and absolute freedom in the introduction and presentation of any additional lessons, bulletins, instruction or other matter that may be furnished by the United States Department of Agriculture, the State Department of Agriculture, Clemson College or any other agricultural college or experiment station. All such modifications of the course of study shall be reported in writing to the County Superintendent of Education, and shall not be continued in any school over the disapproval of the State Board of Education.

§ 1813d. No Tuition to Be Charged—Schools Not Ineligible for Other Aid.—Any school receiving State aid for agricultural teaching shall enroll free of charge any pupil desiring to pursue such a course and possessing sufficient knowledge of the elementary public school subjects to enable him, in the opinion of the agricultural teacher, to do this work with advantage. Schools receiving aid for agricultural work shall not be ineligible to share in the State appropriation for term extension, rural graded schools or high schools.

§ 1813e. Textbook to Be Adopted.—The State Board of Education, upon the recommendation of the State Supervisor of

Agricultural Instruction, is hereby authorized to adopt a textbook on agriculture to be taught in all other schools not provided for in this Act.

§ 1813f. Inconsistent Acts Repealed.—All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Acts 1917, p. 369.

§ 1814a. School Attendance Required.—Every parent, guardian, or other person having charge of any child between eight and fourteen years of age, must send such child to a public, private or parochial, or to a competent tutor, subject to the approval of the County Superintendent of Education, school for four consecutive months, or eighty days during the scholastic year, that the school attended is in session: *Provided*, That in case the term of any school is less than four months or eighty days, attendance for the full term of such school shall be sufficient to meet the requirements of this Act, as hereinafter provided.

§ 1814b. Petition of Majority of Qualified Electors Necessary.—Upon written petition a majority of the qualified electors residing in any school district requesting the attendance of pupils on school throughout the full term, the County Board of Education shall order such attendance hereunder. This Act shall not shorten the period of school attendance in any district where a longer school term than four months is now maintained and attendance is required under the local option law.

§ 1814c. Special Cases Provided For.—That any child whose physical, mental or moral condition unfitst it for attendance at school is exempt from the requirements of Section 1; that such child must be designated as unfit by a person competent to judge and appointed to do so by the Board appointing the attendance officer for that territory.

1814d. Exemption in Certain Cases.—That any child living more than two and one-half miles from any public, private or parochial school, and any child under twelve years of age living more than two miles from such school, may claim exemption from the requirements of Section 1: *Provided*, That any pupil living within one mile of any regular route of a school wagon may not claim exemption.

§ 1814e. Private or Parochial Schools to Be Approved.—

That any private or parochial school attended by any child between eight and fourteen years of age shall be first approved by the State Board of Education. Such school must give its instruction in the English language, and it must teach such subjects as are required in a similar public school in South Carolina.

§ 1814f. Attendance Officers, Duties, and How Appointed.

—The County Board of Education shall appoint such attendance officer or officers as the needs of the public schools of the county may require: *Provided*, That the Board of Trustees of any district containing an incorporated town or city of two thousand inhabitants may nominate to the County Board of Education the attendance officer for their district and may fix his compensation from the special tax funds of their district. The duties of such attendance officer shall be to take annually a school census of all the children in each district between the ages of six and fourteen years, and to file with the County Board of Education a report giving by school districts the name of each such child, the race, the sex, and the names and local addresses of each child's parents. This census shall be taken during the months of July and August. Any child ineligible to attend the public schools shall be reported by the attendance officer to the County Superintendent, who shall transmit such report to the executive head of the proper State school for such special child.

§ 1814g. Women Eligible as Attendance Officers.—Women shall be eligible for employment as district or county attendance officers.

1814h. Attendance Officers to Investigate Cases of Absence.—That it shall be the further duty of each attendance officer to receive from the superintendent or principal of any school within the district or territory the name of every child between eight and fourteen years of age absent from school, and to ascertain from the parent or guardian of such child the reason for such absence. If such absence is due to any other than providential cause or causes or to such cause or causes as would seriously endanger the health of the child, such parent or guardian must be notified to appear before the nearest Magistrate at a special time to show why he or she should not be punished for his or her neglect: *Provided*, That the attendance officer may, in his or her discretion, excuse any absence. A full record of such excused absence, together with the reasons

therefor, shall be filed monthly with the County Superintendent of Education.

§ 1814i. Attendance Officers to Require Certain Information and to Keep Record of Cases.—That all attendance officers shall have the right to require a birth certificate or an affidavit as to the age of any child in his or her district or territory. They shall have the further right to visit any place of employment to ascertain if any child between eight and fourteen years of age is employed. These officers shall keep a record of all notices served and cases prosecuted, and shall make a full report of them once a month to the County Board of Education.

§ 1814j. Penalty for Violation of Act.—That any parent, guardian or other person having charge of any child subject to the provisions of this Act who wilfully neglects or refuses to comply with these provisions shall be deemed guilty of a misdemeanor, and, upon conviction before any Magistrate, be fined not less than five (\$5.00) dollars, nor more than ten (\$10.00) dollars, for each offense. That such fines are to be paid into the school fund of such district in which said offense was committed.

§ 1814k. Teachers to Notify Attendance Officers of Absence of Child.—That it shall be the duty of each teacher, principal or superintendent of any school to notify at once the attendance officer of the absence of any child between eight and fourteen years of age from school, and any teacher, principal or superintendent wilfully neglecting or refusing to report any absence to the attendance officer shall have deducted from his or her salary for the current month five (\$5.00) dollars for each offense, the same to be deducted by the County Superintendent of Education.

§ 1814l. Children Above Twelve Years of Age to Be Excused in Certain Cases.—In the case of a widowed mother or of a crippled father any child above twelve years of age whose labor may be necessary for the support, in whole or in part, of any person may be excused. The children of parents unable to purchase the necessary books for attendance upon a public school shall, upon the order of the County Board of Education, be furnished these books out of the public funds of their district. The County Boards of Education shall be the competent judges of such cases.

§ 1814m. Appropriation.—To pay the salaries of all the county attendance officers herein authorized, the sum of \$60,000.00

shall be appropriated annually by the General Assembly, no such salary to exceed \$1,200.00 per annum. All disbursements shall be made upon duly itemized vouchers with the Comptroller General. Said fund to be apportioned by the State Superintendent of Education.

§ 1814n. No Child Under Fourteen Years of Age to Be Employed in Certain Industrial Establishments During School Hours.—No child under fourteen years of age shall be employed in any factory, workshop or mercantile establishments or in any place or manner during the usual school hours in said district, unless the person employing such child shall first procure a certificate from the superintendent or teacher of the school said child last attended stating that the child attended school for such current year for the period required by law, or has been excused from attendance as provided by the third section hereof, and it shall be the duty of said superintendent or teacher to furnish such certificate on application of the parent, guardian or other person having control of such child entitled to same.

§ 15. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved the first day of March, A. D. 1919.

§ 1815a. Supplementary Reading for Public Schools.—Whenever the Trustees of any public school district shall set aside from the funds of the district a sum of not less than five (\$5.00) dollars nor more than twenty-five (\$25.00) dollars for the purchase of supplementary reading material for the use of the school, or schools, of said district, the County Board of Education is authorized to appropriate from the general County Board fund a like sum for the same purpose. The County Superintendent shall then inform the State Superintendent of Education of his action and the State Superintendent shall be authorized to remit to the County Superintendent for the same purpose a like sum from the library appropriation or from any other unappropriated funds under his control. The County Superintendent shall deposit the funds thus appropriated and received with the County Treasurer and shall issue a warrant in payment for the supplementary reading material which may be purchased under this Act: *Provided*, That no district may participate in the benefit of this Act more than once during any scholastic year.

§ 1815b. Purchase of Books.—The purchase of supplementary reading material shall be made from a list approved and furnished by the State Board of Education. The Board of Trustees or teachers making the purchase shall send a list of the books bought to the County Superintendent and the State Superintendent.

§ 1815c. Books Loaned to Pupils.—The books purchased under this Act shall be kept in the school library and loaned to the pupils, in the discretion of the teacher, under such rules as may be adopted by the State Board of Education.

Acts 1914.

§ 1816a. Appropriation for Rural School Aid.—Not less than one hundred eighty-seven thousand five hundred (\$187,500.00) dollars shall be appropriated annually for the purpose of assisting rural school districts in the establishment, maintenance and improvement of rural graded schools under the conditions and provisions of the following sections of this Act.

§ 1816b. Conditions Precedent to Receiving Aid Hereunder—Two Hundred Dollars.—When any rural school district shall levy and collect a special tax of not less than four (4) mills, and when a school in such district employs two certified teachers for a school term of not less than six months, or twenty-four weeks, and when such school has a legal enrollment of not fewer than forty (40) pupils by December 15th, and an average daily attendance for the session of not fewer than thirty pupils, and when such school is taught in a comfortable and sanitary building, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$200.00 per year: *Provided*, Said school or schools comply with the other requirements of the Rural Graded School Law.

(Amended in 1919, reducing requirement from fifty to forty pupils, and with above proviso.)

§ 1816c. Same—Three Hundred Dollar Class.—When any rural school district shall levy and collect a special tax of not less than four (4) mills, and when such school employs three or more certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than seventy-five pupils by December 15th, and an

average daily attendance for the session of not fewer than forty pupils, and when such school is taught in a comfortable and sanitary building, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$300.00 per year.

§ 1816d. Same—Four Hundred Dollar Class.—When any rural school district shall levy and collect a special school tax of not less than four (4) mills, and when such school employs four certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than one hundred pupils by December 15th, and an average daily attendance for the session of not fewer than sixty pupils, and when such school is taught in a comfortable building containing not fewer than four classrooms, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$400.00 per year.

§ 1816e. Same—Five Hundred Dollar Class.—When any rural school district shall levy and collect a special tax of not less than four (4) mills, and when such school employs five certified teachers for a school term of not less than seven months, or twenty-eight weeks, and when such school has a legal enrollment of not fewer than one hundred and twenty-five pupils by December 15th, and an average daily attendance for the session of not fewer than seventy-five pupils, and when such school is taught in a comfortable and sanitary building, containing not fewer than five classrooms, provided with the minimum equipment prescribed by the State Board of Education, and when it uses a course of study and classification approved by the State Board of Education, it shall be entitled to receive State aid under this Act to the amount of \$500.00 per year.

§ 1816f. Teacher in Rural Graded School Not to Instruct More Than Fifty Pupils—Certain Schools Not to Receive Aid.—No teacher in a rural graded school shall enroll or instruct more than fifty pupils; and no district receiving term extension aid or high school aid shall be entitled to receive rural graded school aid.

§ 1816g. Application—Program of Work to Accompany—Time of Filing—To Be Approved by County Superintendent.—The State Superintendent of Education shall prescribe and furnish to the County Superintendents all necessary forms and blanks for making application for State aid, and every such application, accompanied by a full, clear and legible program of each teacher's daily classroom work, shall be filed with the State Superintendent of Education not later than December 31st. Each application and each accompanying program shall be examined and approved in writing by the County Superintendent before State aid is granted.

§ 1816h. Annual Report to Be Filed Before Application Can Be Approved.—The annual report of any rural graded school receiving State aid shall be filed with the State Superintendent of Education and a duplicate copy thereof with the County Superintendent in accordance with Act No. 128, page 1919, Statutes of 1913, before the application of such school for further aid is approved or paid.

§ 1816i. When Aid May Be Refused.—The State Superintendent of Education may refuse aid under the provisions of this Act if it is made to appear to him that the expenditure would be unwise and detrimental to the interest of free school education in said district.

§ 1816j. Rules and Regulations.—The State Superintendent of Education, with the State Board of Education, shall provide rules and regulations for the distribution of this fund, and shall publish such regulations to the various County Superintendents of Education, who, in turn, shall publish them to the various Trustees.

§ 1816k. Transportation of Children Permissible.—It shall be lawful for the School Trustees of a district to use the State aid obtained under the provisions of this Act to furnish public conveyance of children to the school when, in the opinion of the Trustees and the County Superintendent, such action is wise and expedient.

§ 1816l. Disbursement by Voucher.—All disbursements under this Act shall be made on duly itemized vouchers, approved by the Comptroller General.

§ 1816m. Effective July 1st.—This Act shall take effect July 1st, following the approval of the Governor.

§ 1816n.—All Acts or parts of Acts inconsistent with the terms of this Act be, and are hereby, repealed.

Acts 1917, p. 100.

§ 1817. Minimum Term Guaranteed to Needy Schools.—

A minimum school term of not less than seven months is hereby guaranteed in any public school district voting an eight-mill tax for current expenses, employing one certificated teacher to instruct not fewer than twenty-five nor more than fifty pupils, maintaining under each teacher in each classroom an average monthly attendance of at least fifteen pupils, and paying to each teacher the minimum salary hereinafter provided. Any school district voting for current expenses a local tax of less than eight mills or enrolling under any one teacher fewer than twenty-five or more than fifty pupils, or maintaining in any classroom an average monthly attendance of fewer than fifteen pupils, or paying teachers, from regular or special funds, salaries in excess of those hereinafter stipulated, shall not be entitled to share in the benefits of this Act. Neither district taxes on account of school bonds nor taxes in excess of eight mills for current expenses shall affect the status of any school district applying for aid hereunder, to run a term of seven months.

§ 1818. Schedule of Teachers' Salaries to Be Paid.—In any school district applying for aid under this Act the schedule of teachers' salaries to be paid from regular or special funds shall be as follows:

The principal of a one-teacher or of a two-teacher school shall be paid during the first year not more than \$75.00 per month; the principal of a three-teacher school shall be paid not more than \$90.00 per month; the principal of a four-teacher school shall be paid not more than \$105.00 per month, and the principal of a school employing five or more teachers shall be paid not more than \$120.00 per month. An assistant teacher holding a first-grade certificate shall be paid not more than \$60.00 per month; an assistant teacher holding a second-grade certificate shall be paid not more than \$50.00 per month, and an assistant teacher holding a third-grade certificate shall be paid not more than \$40.00 per month. Any principal or any assistant returning to his or her classroom may be paid during the second year an additional stipend of \$5.00 per month and during the third year a further stipend of \$5.00 per month. In any district the Board of Trustees may pay lower salaries in their discre-

tion; but such lower salaries shall always constitute the basis for calculating any deficiency to be made up from the funds provided under this Act. If the salaries paid teachers in any district exceed the salaries herein authorized, the total amount of the excess must be applied by the Board of School District Trustees, either by private subscription or by a higher rate of local taxation. Any district running its school longer than seven months must also pay the cost of the eighth month, or of the ninth month, by private subscription, or by a higher rate of local taxation.

§ 1819. Appropriation.—The sum of \$125,000.00 is hereby appropriated annually to carry out the purposes of this Act. The State Superintendent of Education shall prescribe all necessary forms and blanks to be used by school districts applying for aid hereunder. The decision of the State Superintendent regarding any application shall be subject to review on appeal by the State Board of Education. All moneys shall be paid out on duly itemized vouchers filed with the Comptroller General, and a detailed report of all ~~expenditures~~ shall be included by the State Superintendent in his annual report to the General Assembly.

§ 4. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Acts 1919.

§ 1820. Fourth Friday in October to Be Observed in Public Schools as Frances Willard Day.—The fourth Friday in October in each year shall be set apart and designated in the public schools as Frances Willard Day, and in each public school in this State it shall be the duty of such school to prepare and render a suitable program on said day to the end that the children of the State may be taught the evils of intemperance.

Acts 1918, p. 791.

§ 1821. Vocational Education to Be Taught in Schools.—There shall be appropriated annually, out of the State treasury, for the promotion of vocational education in agricultural subjects, industrial subjects and home economic subjects, a sum not less than the amount which may be apportioned to the State of South Carolina from the funds appropriated by the Congress of the United States in an Act entitled "An Act to provide for the promotion of vocational education; to provide for co-operation with the States in the

promotion of such education in agriculture and the trades and industries; to provide for co-operation with the States in the preparation of teachers of vocational subjects, and to appropriate money and regulate its expenditure," approved February twenty-third, nineteen hundred seventeen.

§ 1822. Money—How Paid Out.—The moneys appropriated under the terms of this Act shall be paid out upon the order of the State Board of Education, duly countersigned and approved by the Secretary of the State Board of Education, and itemized vouchers shall be filed with the Comptroller General as in the case of other funds.

§ 1823. Funds to Be Used for the Payment of Teachers, Supervisors or Directors, and for the Purchase of Supplies, Etc.—The State Board of Education may use the funds appropriated by this Act for the payment of salaries of teachers, supervisors or directors of vocational subjects, or for the purchase of supplies and equipment to be used by vocational classes or for the maintenance of classes training teachers of vocational subjects or for the administration of vocational education, including necessary supervision and clerical help.

§ 1824. State Board of Education to Adopt Rules and Regulations.—The State Board of Education shall adopt rules and regulations governing the expenditures of moneys appropriated by this Act and shall make the same known to the various school districts of the State in order that they may know the conditions under which they are entitled to share in the funds available for vocational education.

§ 1825. Appropriation for 1919 and 1920.—For the purpose of carrying out the provisions of this Act, there is hereby appropriated the sum of \$25,000.00 for the use of the State Board of Education until June 30, 1919, the said June 30th being the close of the United States fiscal year; and for the use of the State Board of Education for the United States fiscal year beginning July 1, 1919, and closing June 30, 1920, the sum of \$50,000.00.

Approved the twenty-first day of February, A. D. 1919.

§ 1826. Bureau for the Registration and Employment of Teachers Established.—A Bureau for the Registration and Employment of Teachers is hereby created.

§ 1827. Enrollment in Bureau—Fee.—Any person legally qualified to teach in the free schools of this State and eligible to be employed by any Board of School Trustees shall, upon written application in proper form and the payment of one (\$1.00) dollar, be entitled to enrollment in this bureau. The said one (\$1.00) dollar to be applied to the support of the bureau. Any Board of School Trustees, any superintendent or principal of a system of schools or any County Superintendent of Schools shall have access, free of charge, to all papers and records in said bureau, except such as may be of a personal or confidential nature.

§ 1828. Registrar—How Chosen—Duties.—The executive officer of the bureau shall be a Registrar, elected by the State Board of Education, whose term of office shall be for four years, unless sooner removed by the Board for cause. He shall maintain an office and shall seek to assist teachers in getting schools, schools in getting teachers. He shall make an annual report, which shall be printed in the report of the State Superintendent of Education. The Registrar's salary shall be eighteen hundred (\$1,800.00) dollars per annum, payable monthly upon warrant of the Comptroller General. He may employ a stenographer, at a salary of nine hundred (\$900.00) dollars, payable monthly. A contingent fund of one thousand (\$1,000.00) dollars, to meet the contingent expenses of the office, if so much be necessary, is hereby provided.

§ 1829. Fee Only Charge for Services.—No fee other than the one (\$1.00) dollar registration fee shall be charged any teacher for the services of the bureau, and the bureau shall serve the public schools free of charge.

That an Act entitled "An Act to establish a Bureau for the Registration and Employment of Teachers and to make a provision therefor," approved the ninth day of March, 1918, be, and the same is hereby, repealed.

Acts 1919.

§ 1830. Schools in Textile Communities—Grades In.—All schools organized and being conducted in industrial communities that receive State or county aid from appropriations from the constitutional three-mill tax shall put on at least eight grades for their pupils: *Provided*, That the County Board of Education of each county shall determine the necessity for such grades in excess of six

now being used, and shall establish such additional grades when in their judgment the necessity of the situation so requires.

Approved December 28, 1918.

(Note.—The following Act affects several sections of the school law. As its effect is merely temporary, it is given a place to itself and not included in the list of permanent laws.)

AN ACT to Relieve the School Districts of the State of All Disabilities and Disqualifications of State Aid Resulting from the Influenza Epidemic and the Consequent Health Quarantine.

Section 1. Be it enacted by the General Assembly of the State of South Carolina, Let every school or school district entitled, under normal conditions, to State aid and disqualified for such aid during the scholastic year 1918-19 by the widespread epidemic of influenza and the resulting quarantine of the State Board of Health shall, after a full presentation of all the facts in writing to the State Superintendent of Education, be paid the regular allotment of aid heretofore allowed under the Term Extension Law, Act 431, page 791, Statutes 1910 (Sections 1783-1789, Civil Code 1912); under the Law for Consolidated Schools and Graded Schools in country districts, commonly known as the Rural Graded School Law (Act 45, page 100, Statutes 1917); under the High School Law (Act 501, page 875, Statutes 1916), and under the Equalization Law for Needy Schools (Act 43, page 97, Statutes 1917). All requirements of the Term Extension Law, the Rural Graded School Laws, the High School Law, or the Equalization Law, governing enrollment, attendance and term, may be waived by the State Superintendent in his discretion wherever the County Superintendent, the district Trustees, and the teachers furnish written evidence showing that influenza prevented the local school from meeting existing requirements.

§ 2. It shall be the duty of the State Superintendent of Education and of every other school officer to keep the schools running where possible and to hold in school the maximum number of pupils, having always due regard to public health.

All moneys shall be paid out on duly itemized vouchers approved by the Comptroller General and the State Superintendent shall make to the General Assembly a full and detailed statement of all disbursements.

§ 3. This Act shall take effect immediately upon its approval by the Governor, and shall be null and void on and after July 1, 1919.

Approved the fourteenth day of February, A. D. 1919.

Health

§ 1598. Inspection of Schools, Etc.—Water Supply, Etc.

Schools Closed During Epidemic.—It shall be the duty of the Board of Health as a body, or by committee, with the health officer, to make quarterly visits and inspections to all schools, seminaries or colleges (while in session) which are supported in part or entirely by public taxation, and examine and report on the sanitary condition of the same, the abatement and removal of garbage, refuse matter and nuisances which may prove prejudicial to the health of the pupils. They shall inquire into the purity of the water supply, the condition and efficient working of the drains, waste pipes, soil pipes and cesspools, the ventilation, lighting of the dormitories, lecture and study rooms of the buildings and the appliances in use for fire escapes. In case of the epidemic prevalence of contagions or infections, and in order to prevent the spread of the same, the Board of Health, by and with the consent of the City or Town Council, may order the schools, seminaries or colleges, in such town or city, partially or entirely supported by public taxation, closed until such times as they may deem it safe to reopen them. The Board of Health shall have the right to declare any epidemic or cause of ill health so injurious as to make it necessary to close any or all of the private schools in the limits of such city or town. Whatever sanitary conditions or evils shall be found by the Board of Health to exist in or around the public colleges, schools, etc., shall be reported by the Secretary of the Board of Health to the Trustees of the same, who shall take immediate steps to remedy the sanitary defects according to the rules and regulations prescribed by the Board of Health.

Civil 1902, § 1104; R. S. 964; 1883, XVIII, 793; 1894, XXI, 818.

§ 1607. Powers of School Authorities to Prevent Spread of Contagious or Infectious Diseases.—Any Board of Education, School Trustees, or any other body having control of any of the schools, may, on account of the prevalence of any contagious or infectious diseases, or to prevent the spread of any such disease, prohibit the attendance of any teacher or scholar upon any school under their control, and may specify the time such teacher or scholar

shall remain absent, or they shall require a satisfactory certificate from one or more reputable practicing physicians that such attendance is no longer attended with risk to others attending school, and may also prohibit the entrance into or attendance at any school of all unvaccinated persons who have not had the smallpox. The said Board of Control or Trustees may also require vaccination of any or all teachers, scholars and attendants if a case of smallpox have occurred in the city or town.

Civil 1902, § 1110; R. S. 965; 1883, XVIII, 292, § 6.

Special Provisions as to Schools in Criminal Code

§ 575. A Misdemeanor for Certain Officers to Discount Teachers' Pay Certificates.—It shall be unlawful for any County Treasurer, County Auditor, member of County Board of Education, or School Trustee, to buy, discount or share, directly or indirectly, or be in any way interested, in any teacher's pay certificate, or other order on school fund, except such as are payable to him for his own services, or for any School Trustee to make any contract, or be pecuniarily interested, directly or indirectly, in any contract with any school district of which he is Trustee. If any of the officers aforesaid shall violate the provisions of this section, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall pay a fine of not less than one hundred dollars nor more than five hundred dollars, to be used for school purposes in his county, and shall be imprisoned not less than three months nor more than twelve months, or either or both, and shall forfeit the amount of such claim or of his interest in such claim.

Criminal Code 1902, § 418; R. S. 333; G. S. 2561; 1900, XXIII, 366; 1896, XXII, 150.

§ 576. School Officers Prohibited from Being Agent for School Books.—It shall be unlawful for any teacher of a school supported in whole or in part from the public school funds of this State, or any Trustee of any such school, or any other school officer, to become an active or silent agent of any school book publisher, or be in any wise pecuniarily interested in the introduction of any school book or books into any school in this State. Any person violating any of the provisions hereof shall, upon conviction thereof, be deemed guilty of a misdemeanor, and be subject to a fine of not less than one hundred dollars or imprisonment in the county jail for a period of not less than thirty days, or both, at the discretion of the Circuit Judge.

Criminal Code 1902, § 419; 1896, XXII, 170.

§ 577. County Superintendents of Education to Apportion School Funds Monthly Among School Districts.—Within ten days after the County Treasurer makes his monthly report to the

County Superintendent of Education, showing the amount of money collected by him since his last monthly report, it shall be the duty of the County Superintendent of Education to apportion the money arising from a tax on property as shown by the Treasurer's report among the school districts of his county and to certify such apportionment to the County Treasurer, together with the poll tax belonging to each district as shown by said report; and it shall be the duty of the County Treasurer to enter upon his book to the credit of each school district the amount due each district according to such certificate of apportionment, and the County Treasurer shall pay out the money belonging to the respective districts, upon the school warrants of such districts, duly signed and countersigned by the school authorities, for that scholastic year in the order of their presentation, provided that there be no outstanding claims of the previous scholastic year; and the Comptroller General shall receive the warrants thus paid as proper vouchers in the hands of the County Treasurer.

The failure or refusal of a County Superintendent of Education or a County Treasurer to comply with the foregoing provisions, or any of them, shall constitute a misdemeanor, and, upon conviction thereof, he shall be subject to a fine of not more than one hundred dollars, or imprisonment in the county jail for not more than thirty days.

Criminal Code 1902, § 420; 1898, XXII, 761.

§ 578. Treasurer Not to Demand Commission on School Funds.—Any County Treasurer who shall demand or receive any commissions for paying out the school funds paid out by him from the person charged with receiving them, or shall charge any person commission on the same, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than fifty dollars for each offense, or be imprisoned for a period not less than three months.

Criminal Code 1902, § 421; G. S. 2563; R. S. 334; 1876, XVI, 165.

§ 580. Treasurer to Keep Amount of Poll Tax—Penalty.—The several County Treasurers shall retain all the poll tax collected in their respective counties; and it is hereby made the duty of the said County Treasurer, in collecting the poll tax, to keep an account of the exact amount of said tax collected in each school district in his county; and the city of Charleston, for the purpose of this section, shall be deemed a school district, and the County

Treasurer shall pay over to the City Board of School Commissioners the amount of poll tax collected in said city; and the poll tax collected therein shall be expended for school purposes in the school district from which it was collected; and any violation of this section by the County Treasurer shall constitute, and is hereby declared, a misdemeanor, and on conviction thereof the said County Treasurer shall pay a fine of not less than five hundred dollars nor more than five thousand dollars, to be used for school purposes in the county suffering from such violation, or imprisonment, in the discretion of the Court.

Criminal Code 1902, § 423; G. S. 1021; R. S. 336; 1878, XVI, 581.

§ 581. Treasurer to Report to School Commissioner.—He shall, on the fifteenth day of each month, report to the School Commissioner of his county the amount of collections and disbursements made by him for the month on account of poll tax and all other school funds; and it shall be a misdemeanor on the part of any County Treasurer to neglect, fail or refuse to make such report, and on conviction thereof he shall pay a fine of not less than five hundred dollars, the same to be used for school purposes in the county.

Criminal Code 1902, § 424; G. S. 1022; R. S. 337; 1878, XVI, 584.

§ 582. Penalty for Neglecting to Report School Funds to Superintendent of Education.—He shall make out and forward annually to the Superintendent of Education, on the first day of November, a certified statement showing, by school districts, the amount of poll and other school taxes collected by him for the fiscal year ending on the thirty-first day of October next preceding; and on failing, neglecting or refusing to make and forward such statement the State Superintendent of Education shall make a written complaint to the Circuit Solicitor for the county in which the said County Treasurer resides, who shall prosecute the said County Treasurer for the same; and on conviction thereof he shall be subject to a fine of five hundred dollars, the same to be used for free public school purposes in his county.

Criminal Code 1902, § 425; G. S. 1023; R. S. 338; 1878, XVI, 584.

§ 583. Auditor to Report Polls, Etc.—Penalty.—It shall be the duty of each Auditor to state, in a separate column, the school district in which the taxpayer resides. At the expiration of the time prescribed by law to receive returns he shall make out and for-

ward to the Board of Trustees of each school district within his county a correct list of the polls returned from their respective districts. When the School Trustees have reported to him the names of all persons who have failed or neglected to make returns, it shall be his duty to enter upon his books the names of all persons thus reported to him, and he shall enter the names of said persons upon the tax duplicate furnished the County Treasurer. And any Auditor failing to comply with either or all of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction before a Court of competent jurisdiction, shall be fined in a sum of not more than one hundred dollars, or be imprisoned for a term not exceeding thirty days.

Criminal Code 1902, § 426; R. S. 339; 1890, XX, 718; 1891, XX, 1049; 1892, XXI, 18.

§ 585. Exercising Office of Examiner or Trustee After Removal.—If a member of any County Board of Examiners in any county of this State, or a Trustee of any school district, shall attempt to act or discharge the duties of either of said offices after he has been removed, or after his successor shall have qualified, he shall be deemed guilty of a misdemeanor, and, after conviction, be punished by a fine of not less than one hundred and one dollars, or imprisonment for not less than thirty days, or both, at the discretion of the Court.

Criminal Code 1902, § 428; G. S. 1024; R. S. 341; 1878, XVI, 584.

§ 586. Failure of School Commissioner or County Treasurer to Keep "General Cash Account."—The failure of any County School Commissioner or any County Treasurer of this State to keep a book of entry, in which shall be kept an account known as "general cash account," as required by law, shall be deemed a misdemeanor, and, on conviction thereof, he shall be subject to a fine of not less than two hundred dollars or imprisonment in the county jail for a period not less than six months.

Criminal Code 1902, § 429; G. S. 342; 1892, XXI, 81.

§ 586a. Teachers, Principals and Superintendents Required to File Reports.—Any teacher, principal or superintendent employed in the schools of this State, supported in whole or in part at public expense, shall file within two weeks after the close of the session of such school a full and accurate report, as now required by law. Any person neglecting, refusing or omitting to file such

report when requested by the County Superintendent of Education shall be liable to the cancellation of his or her certificate to teach, and to a fine of not more than twenty-five dollars, to be imposed at the discretion of the County Board of Education.

§ 586b. Report to County Superintendent of Education.—Any and all private schools shall report to the County Superintendent of Education, upon request therefor, of the county wherein such school is located, the number of pupils receiving instruction, the number in regular attendance, the number of teachers employed, and such other facts as will show the grade and amount of educational work actually done in such private school. The management of such other private school neglecting, refusing or omitting to file such report within two weeks after the close of the regular session shall be subject to a fine of not more than twenty-five dollars.

§ 586c. County Superintendents to File Reports With State Superintendent of Education.—It shall be the duty of each County Superintendent of Education to file with the State Superintendent of Education, within two months after the close of the scholastic year, a full and accurate report of all the schools under his supervision. Any County Superintendent failing to make such report shall be guilty of a misdemeanor, and, upon conviction thereof in a Court of competent jurisdiction, shall be fined in the discretion of the Court in a sum not exceeding fifty dollars.

§ 586d. Cancellation of Certificates.—The cancellation of any certificate hereunder shall be reported to the State Board of Education, and may be reviewed on appeal taken within ten days after the decision of the County Board.

§ 586e. County Board Fund.—Any and all moneys collected hereunder shall be paid into the county treasury, to be disbursed as a part of the County Board fund now authorized by law.

Acts 1913.

§ 394. Intoxication or Disorderly Conduct Within Hearing Distance of Schoolhouse a Misdemeanor.—Any person or persons who shall be found on any highway or at any public place or public gathering in a grossly intoxicated condition, or conducting himself or herself in a disorderly manner, or who shall use obscene or profane language, on any highway or at any public place or gathering or in hearing distance of any schoolhouse or church, shall be deemed guilty of a misdemeanor, and, upon conviction of either of

said offenses, shall be fined not less than five dollars nor more than fifty dollars, or imprisoned not less than five days nor more than thirty days. All fines collected for any and all of the offenses enumerated in this section shall be paid to the County Treasurer and become a part of the public school fund of such county.

Section 10 of an Act known as the Compulsory School Attendance Law, passed by the General Assembly at the 1919 session, provides:

"That any parent, guardian, or other person having charge of any child subject to the provisions of this Act, who wilfully neglects or refuses to comply with these provisions shall be deemed guilty of a misdemeanor, and, upon conviction before any Magistrate, be fined not less than five (\$5.00) dollars nor more than ten (\$10.00) dollars for each offense. That such fines are to be paid into the school fund of such district in which said offense was committed."

Section 12 of an Act requiring the insurance of all public school buildings (Acts of 1918, p. 881) provides:

"That any officer, official or Trustees upon whom the duties provided in this Act devolves who fail or refuse to carry out the provisions of this Act shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100.00) dollars, or imprisonment not less than ten nor more than thirty days."

See Section 1761i.

§ 303. Rebates Collected and Retained by Public Officer

Misdemeanor.—Any State or county officer in this State who shall receive or collect any rebate, commission or discount from any person, persons or corporations upon the purchase of any books, or any other property, or supplies, or from printing or advertising, whether for use of State or county, and shall fail or refuse to pay the same to the proper State or county authorities at the time of receiving the same, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine or imprisonment, in the discretion of the Court, and shall also forfeit his said office.

SUPPLEMENT

Containing

- 1. Procedure in the Issuance of School Bonds.**
- 2. Special Levies in School Districts—Procedure.**
- 3. Regulations of State Board of Education.**
- 4. High School Regulations.**

Procedure Required by Law in the Issuance of SCHOOL BONDS

Trustees Authorized to Issue Bonds.—The Trustees of any school district in the State are authorized to issue and sell coupon bonds, in such denominations and amounts as they may deem necessary, not to exceed four per cent. of the assessed valuation of the property of the school district.

Rate of Interest.—The rate of interest of such bonds must not exceed six per cent., the interest to be paid annually or semiannually.

Petition the First Step.—Before the question of issuing bonds can be submitted to the voters a written petition of at least one-third of the resident electors, and a like proportion of the resident free-holders over the age of twenty-one years, must be filed with the Trustees.

Survey of District.—The Trustees, before holding the election, must have a survey made of the school district and file the plat in the office of the Clerk of Court.

Who Entitled to Vote.—Only qualified voters residing in the school district are entitled to vote.

Notice of Election.—Notice of an election for bonds must be given for ten days preceding the election in a newspaper published in the district, or by posting such notice in three public places in the school district.

Place of Election, Managers, Etc.—The Trustees shall name the time and place of election, appoint the managers, receive the returns of the managers, and declare the result.

Form of Ballot.—The ballot must have written or printed on it the words "For Bonds" or "Against Bonds."

Term of Bonds.—Bonds cannot run longer than twenty years from date of issue.

How Bonds Shall Be Sold.—The Trustees shall not sell bonds for less than par value. The proceeds can be used only for the

purpose of erecting buildings and for equipment for maintaining public schools in the district, or for paying indebtedness of the district.

Interest and Sinking Fund.—A tax levy sufficient to pay the interest on the bonds and to provide for a sinking fund to retire the bonds when due must be made on all property of the district.

Signing of Bonds.—The bonds must be signed by the Trustees, but lithographed or engraved signatures may be used.

Funds to Be Deposited at Interest.—All moneys belonging to the sinking fund must be deposited in some savings institution or bank by the County Treasurer at the best rate of interest obtainable. The Trustees have the right to approve the bank of deposit and to change the place of deposit at any time.

Bonds Exempt from Taxation.—School bonds are exempt from taxation for State, county, municipal or school purposes.

Duplicates of Record Must Be Filed.—The Trustees must make a full record of their acts and doings and file a duplicate thereof in the office of the Clerk of Court or Register of Mesne Conveyance.

When Bonds Incontestable.—No action affecting the issuance of school bonds can be brought after thirty days from the time of the filing of the duplicate above mentioned, and such bonds in the hands of a *bona fide* purchaser for value shall be incontestable after thirty days from such date.

Suggested Form of Petition for Bonds.—The following form of petition covers all the requirements of the law:

State of South Carolina, }
County of

We, the undersigned resident electors and resident freeholders, of the age of twenty-one years, of Public School District No., of county, request the Trustees of said school district to order an election submitting the question of issuing and selling coupon bonds in the sum of dollars of said school district to the qualified voters thereof, the proceeds of said bonds to be used for the purpose of erecting buildings and for equipment for maintaining public schools in said district.

(Names of resident electors.) (Names of resident freeholders.)

Note.—If the bonds are to be issued to pay indebtedness, wholly or in part, change form to correspond.

Special Levies in School Districts. Procedure Required by Law.

Petition First Step.—When the voters of any school district desire to levy a special tax for school purposes, a written petition of at least one-third of the resident electors, and a like proportion of the resident freeholders of the age of twenty-one years, must be filed with the County Board of Education, asking for an election and stating the rate of the tax levy, which shall not exceed eight mills.

Who Orders Election.—The power of ordering the election is mandatory on the County Board of Education, who shall order the Trustees of the school district to hold an election at some point in the district.

Notice of Election.—Notice of the time and place of election must be given for at least two weeks in some newspaper published in the county, and by posting notice thereof within such school district for at least two weeks. Both methods of giving notice are required, unless there is no newspaper in the county, when the posting shall be sufficient.

Who May Vote.—Only electors returning real or personal property for taxation can vote in such election. Voters who do not return real or personal property are disqualified. The voter must exhibit his tax receipt for the preceding year, and his registration certificate, as required in general elections.

Elections—How Held.—The Trustees of the district shall act as managers, and the election shall be conducted as in general elections.

Form of Ballot.—Each voter favoring the special levy shall cast a ballot containing the word "Yes" printed or written thereon, and each voter opposed to the levy shall cast a ballot with the word "No" printed or written thereon.

Trustees Must Furnish Statement to County Auditor.—Within ten days after the election, if it carries for the special tax, the Trustees must furnish the County Auditor with a statement of

the amount so levied, and the Auditor must enter the same in the tax duplicates, from year to year, unless changed or repealed.

Time Limit.—Unless the special tax is levied before July 1st of any fiscal year, it will not take effect until the next succeeding year. If, however, the election is held after July 1st and a special tax voted, the Trustees should furnish the Auditor with the statement required above, within ten days, so that the special levy may be entered on the tax duplicates for the succeeding year.

How Levy May Be Changed.—A special tax levy in any school district may be increased, decreased or repealed in the same manner as the law prescribes for voting it on in the first instance. See Section 1742. As to flexible levies, see Section 1742a.

Additional Levy for High Schools.—An additional levy of four mills is permitted for high schools. See Section 1812g.

Suggested Form for Petition for Special Levy.—The following form may be used in the case of asking for an election on the question of levying a special tax. It is merely suggestive:

State of South Carolina, }
County of }

To the County Board of Education.

Gentlemen: We, the undersigned resident electors and resident freeholders, of the age of twenty-one years, of School District No., in th county and State aforesaid, do hereby petition your honorable body to grant an election in the said district for the purpose of voting a special tax of mills on all of the taxable property of the said district, to be used for general school purposes in the said district, in accordance with Section 1742, Civil Code of 1912, and amendments thereto.

(Names of resident electors.)

(Names of resident freeholders.)

Regulations of State Board of Education

Rule 1. The Governor shall be Chairman, and the State Superintendent of Education Secretary of the Board.

Rule 2. The Board shall meet quarterly on the third Friday of March, June, September and December respectively. Special meetings may be held at any time at the call of the Chairman or at the request of a majority of its members.

Rule 3. The Secretary shall keep a record of the actions of the Board in a book provided for that purpose, which record shall be the only official record of its proceedings.

Rule 4. The order of business shall be as follows: Calling to order, reading of minutes of the previous meeting, unfinished business, reports of committees, report of the Chairman, report of the Secretary, and new business.

Rule 5. All resolutions shall be reduced to writing by the mover, and likewise all amendments.

Rule 6. A motion must receive a second before it can be entitled to consideration by the Board.

Rule 7. The Chairman and the Secretary are authorized to fill all vacancies that may occur in the County Boards of Education, and to report their action to the Board at its meeting for its consideration.

Rule 8. All vacancies in the office of County Superintendent of Education shall be filled by ballot, and a two-thirds vote of the members present shall be necessary to fill the vacancy.

Rule 9. The Chairman and the Secretary are empowered to grant State certificates upon the presentation of diplomas from reputable colleges and universities in other States of as high rank as leading colleges of this State, such presentation to be accompanied by the scholastic record and teaching experience of the applicant, and all certificates shall be subject to confirmation by the State Board at its next meeting.

Rule 10. After February, beginning in May, 1903, there shall be two county examinations for teachers' certificates each year, to be held in the spring and in the fall, and hereafter no teacher shall be employed in the public schools of this State who has not registered a certificate in the office of the County Superintendent of Education

and submitted proof thereof to the Board of Trustees employing him.

Rule 11. Every applicant for a county certificate shall stand a satisfactory written examination before the County Board of Education on uniform questions prepared and furnished by the State Board, the examination to be held in all the counties on the same day, or he or she shall present to the County Board at least an A. B. or B. S. diploma from some reputable chartered college or university of this State whose curriculum, standing, faculty and equipment have been examined and approved by the State Board of Education. A county certificate cannot be issued on a diploma or certificate secured in another State.

Rule 12. Uniform examination questions shall be prepared and furnished by the State Board of Education for county examinations.

Rule 13. There shall be three grades of teachers' county certificates—first grade, second grade, and third grade.

Rule 14. To obtain a first grade teachers' county certificate the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than eighty per cent. and not less than fifty per cent. on any one branch.

To obtain a second grade teachers' county certificate the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than seventy per cent. and not less than forty-five per cent. on any one branch.

To obtain a third grade teachers' county certificate the applicant shall stand a written examination on questions prepared and furnished the County Board of Education by the State Board, and shall make a general average of not less than sixty per cent. and not less than forty per cent. on any one branch.

The County Board may, in each instance, impose oral tests in reading and language. In estimating for a second or a third grade certificate algebra need not be included; if it would be to the applicant's advantage it may be included.

Rule 15. No person shall be permitted to take the examination who is not at least eighteen years of age, and before taking an examination each applicant shall satisfactorily pass such oral tests in reading and language as the Board may impose.

Rule 16. A first grade county certificate may be renewed by the County Board from which it was issued. If, however, a teachers' institute or summer school is held in the county, a first grade certificate shall not be renewed unless the holder attends the institute or summer school, or shows to the State Board of Education some satisfactory reason for not doing so. A first grade county certificate shall not be renewed unless the holder has done some teaching during the two years for which the certificate was issued.

A second grade county certificate may be renewed where the holder attends a teachers' institute or summer school, or shows to the State Board of Education a satisfactory reason for not doing so.

A third grade county certificate shall not be renewed.

Rule 17. The County Board shall issue to each applicant making the required per cent. a certificate, signed by each member of the Board, and under the seal of the office of the County Superintendent of Education of the county, and showing on its face the per cent. made on each branch and the general average. The certificate shall run for two years from its date, and the holder shall be deemed competent to teach in the public schools of the county.

Rule 18. No certificate of qualification shall be granted by any County Board in any circumstances to any person who is under eighteen years of age.

Rule 19. The County Board of Education of one county may recognize a certificate issued by the County Board of Education of another county, but in such case the County Superintendent of Education shall register the name of the holder, the county from which the certificate was issued, the date and number of the certificate, and when so registered the certificate shall be filed in the office of the County Superintendent of Education and a new certificate with the same entries shall be issued in lieu thereof, for use in his county during the remainder of the period for which the original certificate runs. The certificate can be renewed or extended only by the County Board originally issuing it.

Rule 20. Each County Board shall keep a register, in which shall be recorded the name, age, sex, color and postoffice of each person to whom a certificate is granted, and also the date and grade of the certificate.

Rule 21. A two-year State certificate may be issued to any teacher successfully completing at least nine approved courses in a summer school recognized by the State Board of Education.

Rule 22. Any teacher holding a valid first grade county certificate, possessing two years' successful classroom experience, and completing in a recognized summer school during three consecutive years not fewer than three approved courses each year may be granted a ten-year State license upon the presentation of full records and reports to the State Superintendent of Education.

Rule 23a. Any teacher who holds a valid first grade county certificate and who has rendered at least five years of successful service in South Carolina may be granted a State certificate to teach for five years upon the presentation of a written statement testifying to the effectiveness of such service, signed by the supervising principal or superintendent of school or schools in which such service has been rendered, by the County Board or Boards of Education and by the Board or Boards of Trustees. At the end of five years this certificate may be extended by the State Board of Education for another period of five years if satisfactory evidence as above indicated is again shown. At the end of the second period the State Board of Education may grant a life certificate to teach if the evidence of continued successful professional experience is satisfactory.

Rule 23b. Any teacher who holds at least an A. B. or B. S. diploma from an accredited college of this State, and who has rendered at least five years of successful service in South Carolina, may be granted a life certificate to teach upon the presentation of a written statement testifying to the effectiveness of such service, signed by the supervising principal or superintendent of school or schools in which such service has been rendered, by the County Board or Boards of Education and by the district Board or Boards of Trustees.

Rule 24a. Any teacher with a valid first grade county certificate may be given a special five-year high school certificate upon presentation of satisfactory evidence of fitness and preparation to teach any designated high school subject or subjects. A special examination for the award of high school certificates shall be held annually by the State Board of Education at such time and place as may be announced.

Rule 24b. Any teacher in the high schools of the State who, in the judgment of the local superintendent and the State High School Inspector, may have evinced peculiar fitness, fidelity and effectiveness in teaching any branch or branches of study of the said school

may be issued a certificate of distinctive merit by the State Department of Education bearing testimony to this fact.

Rule 25. The State Board of Education may grant five-year professional certificates to teachers for the primary and elementary schools if an examination given by the State Board reveals the ability on the part of the applicant to teach in these schools. The nature of these examinations will be announced as the occasion for such examinations may arise.

Rule 26. The State Board of Education may grant certificates to applicants for positions as teachers of the kindergarten, of music, or of industrial subjects, if satisfactory evidence is revealed by examination or otherwise that the applicant is able to teach in any one of these departments.

Rule 27. State certificates shall be renewed only upon the presentation in writing of satisfactory evidence of successful teaching during the life of the certificate and of professional improvement.

Rule 28. Every claim or warrant issued by a Board of Trustees shall be signed by at least two members of the Board, and shall not be approved by the County Superintendent of Education until the Clerk of the Board of Trustees has entered it in a book kept for that purpose.

Any and all school warrants issued by any Board of School Trustees against any public school fund shall not be paid by the County Treasurer or other officer having the custody of such fund until the warrant has been approved by the County Superintendent of Education of the county in which said warrant is drawn. (Section 1759 of the Code of 1912.)

No pay warrant shall be issued by any Board of Trustees or approved by any County Superintendent of Education in favor of any teacher who, after July 1, 1901, uses in the public schools of this State any textbook to the exclusion of the textbook or textbooks herein adopted on the same subject, and who had not registered in the office of the County Superintendent of Education a certificate to teach.

Rule 29. No teacher shall be employed by the Board of Trustees who is related by consanguinity or affinity within the second degree to a member of the Board of Trustees or to a principal of a school, without the written approval of the County Board of Education, nor shall they employ a teacher holding a certificate issued by a County Board of another county until the certificate has been duly regis-

tered in the office of the County Superintendent of Education of their own county.

Rule 30. No public school supplies shall be purchased by school officers for use in the public schools of any county in the State except such as are authorized by the State Board to be sold. The venders of all such supplies authorized to be sold by this Board shall enter into a written contract with this Board, in which the prices of the supplies shall be stated, and copies of the supplies shall be placed in the office of the State Superintendent of Education, and the supplies sold to the schools shall at all times conform to the samples, and the prices shall not exceed the prices agreed on. The County Boards may allow or disallow such supplies, or any of them, to be sold in their counties. In case they permit the same to be sold, they shall give the vender written permission to offer the same to the Trustees of their counties, the prices of the supplies to be named in the written permission, leaving the purchase or not of such supplies to the good judgment of the Boards of Trustees. In case the Trustees purchase any of such supplies they may give a warrant against the school fund of their district in payment thereof, but in no case shall the County Superintendent of Education countersign or indorse any such warrant until the supplies have been delivered; the County Superintendent shall hold all such warrants in his possession until the delivery of the supplies is made. All persons purchasing any such warrants before the same have been countersigned by the County Superintendent of Education do so at their own risk.

Rule 31. In all cases of appeal from decisions of County Boards notices of appeal must be served on the Secretary of the County Board of Education, on the Secretary of the State Board of Education, and also on the respondents, within thirty days from the decision of the County Board, and all testimony, records and papers must be on file in the office of the State Superintendent of Education at least ten days before the meeting at which the appeal is to be heard. In all appeal cases the Secretary of the State Board of Education shall assign an equal length of time for reviewing testimony and argument by appellants and respondents, and notice of such time assigned shall be accordingly given by the Secretary of the State Board.

Rule 32. The County Boards of Education shall require all public school buildings to be constructed only upon land owned by the school district. No school building shall be aided by county or

State funds under the school improvement Act unless constructed according to plans approved by the State Board of Education, and unless the building is found to be of first-class material and workmanship upon inspection by the County Superintendent of Education.

Rule 33. Regular school funds include: Cash balance on hand July 1st, poll tax, constitutional three-mill tax, and dog tax.

Rule 34. No district having sufficient regular school funds to run the schools of the district one hundred days shall receive term extension aid under this Act.

Rule 35. No aid shall be given any district until all the regular school funds have been expended, either by contract or by actual outlay.

Rule 36. Under the term extension Act no district shall receive more than \$100 from the State, nor more than the amount raised by special tax.

Rule 37. No district shall receive aid from the State unless each teacher employed in the district holds a certificate which has been registered in the office of the County Superintendent of Education.

Rule 38. Every application shall be signed by the Chairman or by the Clerk of the Board of Trustees, and by the County Superintendent of Education, and shall be accompanied by a certificate from the County Auditor showing the amount of special tax levied on the property of the district.

Rule 39. The State Superintendent shall forward the amount appropriated to any district to the County Treasurer, to be placed to the credit of the district.

Rule 40. No term extension application shall be honored unless it reaches the office of the State Superintendent of Education on or before November 15th, and no rural graded school application shall be honored unless it reaches the office of the State Superintendent of Education on or before December 15th.

Rule 41. The State Superintendent of Education may refuse any application which, in his judgment, would not increase the efficiency of the free public schools: *Provided*, That such refusal be subject to the review and approval of the State Board of Education.

Rule 42. It is the judgment of the State Board of Education that the work of one-teacher schools should be limited to seven grades; the work of two-teacher schools, to eight grades; the work of three-

teacher schools, to nine grades, and the work of four-teacher schools, to ten grades.

Rule 43. State aid under the term extension law, the rural graded school law or the high school law may be withheld in any instance where the classification of the pupils shows only one child in a grade or an enrollment of more than fifty pupils to a teacher in any classroom.

High School Regulations

The High School Law Requires:

- 1: A local tax of not less than four mills for running expenses.
2. The full time of as many as two teachers above the seventh grade.
3. A minimum legal enrollment of twenty-five pupils above the seventh grade.
4. A maximum of \$675 to a two-teacher high school, \$825 to a three-teacher high school, and \$975 to a high school of four or more teachers.

This maximum will be increased during the second year five dollars per month and during the third year an additional five dollars per month in case the same teacher returns.

Rule 44. High schools receiving State appropriations must run not less than eight months, or 160 days.

Rule 45. High school recitation periods in all major subjects must be not less than forty minutes each. The State Board recommends forty-five-minute periods except in very small classes.

Rule 46. A school employing five teachers or six teachers shall not use any part of the time or more than two teachers in its high school department.

Rule 47. A school employing seven or eight teachers may use not more than one-half the time of a third high school teacher in the high school department: *Provided*, That the enrollment in the high school department and the elementary department are in such proportion as to justify this division. All such schools are to be rated as two-teacher high schools in receiving appropriations.

Rule 48. The elementary grades of any school must be adequately provided with teaching force before three or more teachers will be permitted in a high school receiving State aid. No teacher in the elementary department of any school receiving State high school aid may have or teach more than fifty pupils a day.

Rule 49. The supervising principal of a two-teacher high school must devote not fewer than six periods a day to teaching.

Rule 50. The supervising principal of a three-teacher high school will not be counted as a full-time teacher unless he devotes as many as five periods a day to teaching.

Rule 51. The supervising principal of a four-teacher high school will not be counted as a full-time teacher unless he devotes as many as four periods a day to teaching.

Rule 52. No high school teacher other than the supervising principal will be counted a full-time teacher unless such teacher devotes as many as five periods a day to actual teaching.

Rule 53. No high school will be accepted for State aid whose superintendent or supervising principal's salary is unreasonably out of proportion to the number of teachers he has to supervise or to the salaries of his assistants.

Rule 54. In a two-teacher high school the amount of State aid shall not exceed \$675.00 a year, except for tenure.

Rule 55a. To high schools of three or more teachers the initial appropriation will be the lowest high school salary up to \$675.00 a year. Any additional appropriations will be made in accordance with the revised high school Act of 1919.

Rule 55b. All contracts between district Trustees and teachers will be fully protected in the apportionment of State high school aid up to the limits fixed by the contracts and by the High School Law. In case the development of the high schools requires a scaling in the allotment of State high school funds, this scaling will be made proportionately in the tuition allowance.

Rule 56. After July 1, 1917, no high school will be given State aid when there are fewer than five pupils enrolled in any grade.

Rule 57. No high school student in a State-aided high school will be permitted to carry more than five major subjects at a time. Under this regulation English is counted one subject, Latin with grammar or prose composition is one subject, history with civics is one subject, arithmetic, algebra and geometry are three separate subjects, and each division of history is a separate subject.

Rule 58. Each high school teacher employed in a school receiving State high school aid must have a valid first grade certificate properly registered with the County Superintendent of Education of the county in which the school is located. College diplomas are not certificates.

Rule 59. After July 1, 1917, every high school teacher employed in a State-aided high school must give evidence of his or her fitness to teach the subjects he or she teaches in that school. This fitness is to be determined by the course or courses pursued by the teacher in his or her preparation to teach, or by examination prepared and

directed by the State Board, or by inspection of the teacher's work to be reported to the State Board in writing by its representatives in cases where the teacher has already taught these subjects five years or more.

Rule 60. Every high school receiving State aid must use the textbooks adopted by the State Board of Education or submit in writing to the State Board what other books are used, together with the reasons for their use. Schools organized and operated under legislative Acts conferring special powers and privileges with the right of independent textbook adoption are the only districts legally authorized to substitute texts in lieu of State-adopted books. The powers and privileges of such special legislative districts are not abridged or affected by this regulation, but the record of their textbook uses will be helpful to the State Board. Districts governed by the general school law cannot make, legally, substitutions for State-adopted books.

Rule 61. State aid may be withdrawn from any high school after two months' notice to the local Board for inefficient teaching, for the continuance of an inadequate course of study, or for lack of attendance.

Rule 62. Every high school receiving State aid shall render with reasonable promptness such reports as are required by the State Board. All such reports are to be countersigned by the Secretary of the local School Board. Any school knowingly making an incorrect report in any matter affecting the standing of the school or its appropriation thereby subjects itself to being penalized by the State Board.

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